BENGAL SECRETARIAT LIBRARY

COLLECTION

OF THE

PUBLIC GENERAL STATUTES

PASSED IN THE

Twenty-third and Twenty-fourth Years

OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA:

Being the SECOND SESSION of the EIGHTEENTH PARLIAMENT of the United Kingdom of GREAT BRITAIN AND IRELAND.

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xlvi. An Act for altering the Name of "The *Belfast and Ballymena* Railway Company" to the Name of "The *Belfast and Northern Counties* Railway Company;" for increasing their Capital; and for other Purposes. 569

xlvii. An Act to enable the *Dublin and Wicklow* Railway Company to extend their Railway to *Enniscorthy* in the County of *Wexford*; to change the Name of the Company; and for other Purposes. 581

xlviii. An Act for enabling the Mayor, Aldermen, and Citizens of the City of *Manchester* to effect further Improvements in the said City; and for other Purposes. 593

xlix. An Act to amend "The *Great Southern of India* Railway Act, 1858;" and for other Purposes. 601

l. An Act to authorize certain Deviations in the *Andover and Redbridge* Railway, and for other Purposes. 609

li. An Act for granting further Powers to the *West Somerset* Railway Company. 617

lii. An Act to enable the *Midland* Railway Company to contract for the Use of the Undertakings of other Companies in and near *London*. 625

liii. An Act for regulating the *East India* Coal Company, Limited, and for making Provisions with regard to the Capital and Shares of the Company; and for other Purposes. 629

liv. An Act for making a Railway from *Carrickfergus* to *Larne*, and for other Purposes. 641

lv. An Act for better supplying with Water the Parish of *Matlock* in the County of *Derby*. 661

lvi. An

lvi. An Act to enable the *Limerick and Ennis* Railway Company to maintain their Railway across certain Roads on a Level; and to enable the Company to purchase certain Lands for the Purposes of their Undertaking; and to amend the Provisions of the Acts relating to the said Company with respect to General Meetings; and for other Purposes. 673

lvii. An Act to repeal the Act 10 *George* IV. Chapter 114., relating to the Turnpike Roads from *Hurdlow House* in the County of *Derby* to *Manchester* in the County Palatine of *Lancaster*, and to confer other Powers in lieu thereof. 681

lviii. An Act for enabling the *Metropolitan* Railway Company to acquire additional Lands for the Construction of the Railway and for Station Accommodation; for amending the Acts relating to the Railway; and for other Purposes. 697

lix. An Act to authorize the Lease of the *Banbridge Junction* Railway to the *Dublin and Belfast Junction* Railway Company; and for other Purposes. 713

lx. An Act to enable the *Belfast and County Down* Railway Company to abandon Part of the *Bangor* Branch; to extend the Time for the Completion of the Remainder of such Branch, and of the *Donaghadee* Branch; and for other Purposes. 717

lxi. An Act for making a Railway from the *Belfast and County Down* Railway at *Holywood* to *Bangor* in the County of *Down* in *Ireland*. 725

lxii. An Act for a Modification of the Lease of the *Dublin and Kingstown* Railway to the *Dublin and Wicklow* Railway Company; and for regulating the Capital of the *Dublin and Kingstown* Railway Company; and for other Purposes. 745

lxiii. An Act to enable the *Keith and Dufftown* Railway Company to abandon their authorized Line of Railway, and to make a new Line of Railway instead thereof. 761

lxiv. An Act to authorize the Construction of a Railway from the authorized Line of the *London and South-western Exeter Extension* Railway to *Chard* in the County of *Somerset*. 769

lxv. An Act to confer further Powers with respect to the Construction of Railways at or near *Burton-upon-Trent*, and for other Purposes. 785

lxvi. An Act to enable the *Midland* Railway Company to make Railways between *Rowsley* and *Buxton*; to execute other Works; and for other Purposes. 801

lxvii. An Act to authorize the *Midland* Railway Company to construct a Station in the Parish of *Saint Pancras*, *London*, and to effect Arrangements with the *Great Northern* and *North London* Railway Companies and with the *Regent's* Canal Company; and for other Purposes. 809

lxviii. An Act for better supplying with Gas and with Water the Township of *Widnes* in the Parish of *Prescot* in the County Palatine of *Lancaster*. 837

lxix. An Act for enabling the *Great Western* Railway Company to construct a Railway in the Parishes of *Clifton Maybank* and *Bradford Abbas* in the County of *Dorset* in connexion with the *Wilts, Somerset, and Weymouth* Railway; to acquire additional Lands at *Yeovil*; and for other Purposes. 853

lxx. An Act for increasing the Capital of the Company of Proprietors of the *Sheffield* Waterworks; for extending the Limits of the *Sheffield* Waterworks Act, 1853, so as to comprise the Parish of *Ecclesfield*; for making further Provisions with respect to the said Company; and for other Purposes. 861

lxxi. An Act for changing the Name of the *Sirhowy* Tramroad Company to the Name "The *Sirhowy* Railway Company;" and for authorizing the Company to make new Works, and to maintain and work the *Sirhowy* Line as a Railway, and to raise further Funds; and for regulating their Capital and Borrowing Powers; and for other Purposes. 877

lxxii. An Act for making a Railway from the *Ashchurch and Tewkesbury* Branch of the *Midland* Railway at *Ashchurch* in the County of *Gloucester* to *Great Malvern* in the County of *Worcester*, and for other Purposes. 909

lxxiii. An Act for authorizing the *East Somerset* Railway Company to abandon the making of their authorized Railway from *Shepton Mallett* to *Wells*, and to make instead thereof another Railway from *Shepton Mallett* to *Wells*; and for other Purposes. 933

lxxiv. An Act for authorizing the *Grand Surrey* Docks and Canal Company to make additional Docks and other Works, and to raise further Monies; and for other Purposes. 949

lxxv. An Act to incorporate a Company for manufacturing and supplying Gas within the Parishes of *Tormoham* (including the Town of *Torquay*), *Saint Mary Church*, and *Cockington*, in the County of *Devon*; and for other Purposes. 961

lxxvi. An Act to enable the *Oxford, Worcester, and Wolverhampton* Railway Company to take on Lease the Undertaking of the *Severn Valley* Railway Company. 969

lxxvii. An Act to authorize Arrangements with reference to the Use by the *London and North-western* Railway Company of the Station at *Normanton*, and the Railway between the same and *Goose Hill*, and for other Purposes. 977

lxxviii. An Act for supplying *Dartford, Crayford, Eltham*, and other Places in *Kent* with Water. 985

lxxix. An Act to authorize the Transfer to the *London and North-western* Railway Company of Part of the Undertaking of the *Saint Helens* Canal and Railway Company, and for the Increase of the Capital of the *Saint Helens* Company. 1013

lxxx. An Act for repairing the Roads from *Horsham* to *Steyning*, and from thence to the Top of *Steyning Hill* in the County of *Sussex*, and from the Bottom of *Steyning Hill* to *Slaughter's Corner* in the Parish of

of *Beeding*, and from thence to *Shoreham Bridge* in the Parish of *Old Shoreham* in the said County. 1025

lxxxi. An Act for the Amalgamation of the *Newport, Abergavenny, and Hereford* and the *Worcester and Hereford* Railway Companies with the *Oxford, Worcester, and Wolverhampton* Railway Company, under the Name of "The *West Midland* Railway Company." 1041

lxxxii. An Act for making a Railway from the *Oxford, Worcester, and Wolverhampton* Railway to *Bourton-on-the-Water* in the County of *Gloucester*, and for other Purposes. 1073

lxxxiii. An Act for making a Railway commencing by a Junction with the *Glasgow and South-western* Railway at or near the North or North-east End of the Passenger Station of that Railway at the Town of *Dumfries*, and terminating by a Junction with the *Caledonian* Railway at or near the North End of the *Lockerby* Station on that Line; and for other Purposes. 1089

lxxxiv. An Act to increase the Capital and amend the Powers of the *Dover* Gaslight Company. 1109

lxxxv. An Act for authorizing the *London* Hydraulic Power Company, Limited, to acquire Powers under "The Waterworks Clauses Acts, 1847;" and for other Purposes. 1121

lxxxvi. An Act to amend the Local Act, Fifty-fourth of *George* the Third, Chapter One hundred and three, for making a fair and equal County Rate for the County of *Buckingham*. 1129

lxxxvii. An Act to grant additional Powers to the *Newry, Warrenpoint, and Rostrevor* Railway Company. 1133

lxxxviii. An Act for better defining the Powers and Liabilities of the *Eau Brink* Drainage Commissioners; for making Provision for the Repair and Maintenance of the *Eau Brink Bridge*; for simplifying the Mode of levying and collecting Drainage Taxes; for constituting from the Body of Commissioners a new Board, to be called Conservators of the *Ouse* Outfall; and for other Purposes. 1145

lxxxix. An Act for making a Railway from *Buckley* to *Connah's Quay* in the County of *Flint*, and for other Purposes. 1189

xc. An Act for making a Railway from *Altrincham* through *Knutsford* to *Northwich* in the County of *Chester*, and for other Purposes. 1205

xci. An Act to change the Name of the *Nuneaton and Hinckley* Railway Company; and to enable that Company to extend their Railway from *Hinckley* in the County of *Leicester* to the *Midland* Railway at *Wigston Magna* near *Leicester* in the same County; and for other Purposes. 1225

xcii. An Act for the Alteration at *Yeovil* of the *Salisbury and Yeovil* Railway leased to the *London and South-western* Railway Company, and of the *Yeovil and Durston* Branch of the *Bristol and Exeter* Railway; and for the making at *Yeovil* of a Joint Station for the *London and South-western* and the *Bristol and Exeter* Railway Companies; and for other Purposes. 1241

xciii. An

xciii. An Act to alter and amend the several Acts relating to the *Manchester* Corporation Waterworks, and for other Purposes. 1265

xciv. An Act for making a Railway from *Stourbridge* in the County of *Worcester* to *Old Hill*, with Branches to *Cradley Park* and *Corngreaves* Ironworks, and for other Purposes. 1273

xcv. An Act for incorporating the *Wellington* Waterworks Company, and granting Powers to them for better supplying with Water the Town of *Wellington* and Places adjacent thereto in the County of *Salop*, and for other Purposes. 1293

xcvi. An Act for better supplying with Water the Town and Parish of *Maidstone* in the County of *Kent*, and for other Purposes. 1313

xcvii. An Act for more completely merging in the Undertaking of the *Caledonian* Railway Company certain Railways known as the *Lesmahagow* Branches; for incorporating the Holders of the *Lesmahagow* Branches Stock, and securing to them a fixed Annuity; and for other Purposes. 1329

xcviii. An Act for incorporating "The *City of Dublin* Steam Packet Company;" and for authorizing them to raise additional Capital; and for other Purposes. 1345

xcix. An Act for making a Railway from *Letterkenny* to the *Londonderry and Enniskillen* Railway in the County of *Donegal*; and for other Purposes. 1353

c. An Act for making a Railway from the *Great Southern and Western* Railway near *Charleville* to the *Limerick and Foynes* Railway near *Patrick's Well*, and also a short Line of Railway at *Limerick*, to be called "The *Cork and Limerick Direct* Railway," and for other Purposes. 1373

ci. An Act for enabling the *Oswestry and Newtown* Railway Company to raise additional Capital, to lease their Undertaking; and for other Purposes. 1393

cii. An Act for better supplying with Water the Towns of *Staines*, *Hounslow*, *Ealing*, *Acton*, and *Hanwell*, and the several Parishes and Places adjacent thereto, in the County of *Middlesex*, and for other Purposes. 1413

ciii. An Act for authorizing the *London and South-western* Railway Company to make and maintain a Railway in extension of their *Exeter Extension* Railway, and to connect that Railway with the *Bristol and Exeter* Railway; and for authorizing Alterations of the *Saint David's* Station on the *Bristol and Exeter* Railway, and the laying down of Rails on the Narrow Gauge on divers Railways, and the working by the *London and South-western* Railway Company, over those Narrow Gauge Lines of Railway, from their *Exeter Extension* Railway to *Bideford*; and for other Purposes. 1433

civ. An Act to carry into effect an Arrangement between the Corporation of the Royal Naval School and Her Majesty's Commissioners of the Patriotic Fund, for the Admission of Pupils into the said School. 1477

cv. An

cv. An Act for enabling the *Cardiff* Waterworks Company to construct additional Works, and obtain a further Supply of Water for the Town of *Cardiff* and the surrounding Districts in the County of *Glamorgan*; and for other Purposes. 1489

cvi. An Act to amend "The *Blyth* Harbour and Dock Act, 1858;" to extend the Time for Completion of Works, and to levy additional Tolls and Rates; and for other Purposes. 1501

cvii. An Act for continuing the Powers of the Trustees of the *Wexford* Free Bridge; for enabling them to complete that Bridge, and to construct and improve Approaches thereto; for authorizing the Grand Jury of the County of *Wexford* to present additional Sums of Money; and for other Purposes. 1509

cviii. An Act for making a Turnpike Road from the *Oswestry and Newtown* Railway near *Cilgwrgan* in the County of *Montgomery* over the River *Severn* to *Tregynon* in the same County. 1525

cix. An Act to authorize the *London, Brighton, and South Coast* Railway Company to make a Railway from the *London, Brighton, and South Coast* Railway in the Parish of *Croydon* to the *West End of London and Crystal Palace* Railway near *Balham Hill*, all in the County of *Surrey*, with a Branch Railway connected therewith; and for other Purposes. 1541

cx. An Act for better supplying with Water the Inhabitants of *Consett* and other Districts in the County of *Durham*. 1553

cxi. An Act for making a Railway from the *London and North-western* Railway at *Watford* to *Rickmansworth*; and for other Purposes. 1569

cxii. An Act to create a further Term in the *Egleston* Roads; to add other Roads to the Trust; to repeal, amend, and extend the Act relating to the said Roads; and for other Purposes. 1585

cxiii. An Act for the *Bolton and Saint Helen's* Road in the County Palatine of *Lancaster*. 1601

cxiv. An Act to enable the *Dublin and Drogheda* Railway Company to extend their Railway from *Kells* to *Oldcastle*; and for other Purposes. 1617

cxv. An Act to amend and extend the Powers of Management of the Corporation of the *North British* Insurance Company. 1625

cxvi. An Act to enable the *Morayshire* Railway Company to construct a Railway from *Elgin* to *Rothes*; and for other Purposes. 1649

cxvii. An Act to enable the *Sovereign* Life Assurance Company to sue and be sued; to alter and amend some of the Provisions of their Deed of Settlement; and to confer further Powers on the Company. 1661

cxviii. An Act for the *Doncaster and Tadcaster* Road in the West Riding of the County of *York*. 1685

cxix. An Act to authorize the Improvement of the Common Muir of *Auchterarder* in the County of *Perth*, and to regulate the Management thereof, and the Application of the Revenues arising therefrom for the Benefit of that Burgh or Town. 1697

cxx. An Act to enable the *Symington, Biggar, and Broughton* Railway Company to extend their Railway from *Broughton to Peebles;* and for other Purposes. 1705

cxxi. An Act for enabling the *Portadown, Dungannon, and Omagh Junction* Railway Company to alter the Line of their Extension Railway, and to make a Branch Railway at *Omagh;* for authorizing certain Arrangements with the *Ulster* Railway Company and *Londonderry and Enniskillen* Railway Company; and for other Purposes. 1717

cxxii. An Act for making a Railway from the *Stockport, Disley, and Whaley Bridge* Railway in the Parish of *Stockport* and County of *Chester* to *Hayfield* in the County of *Derby*, and for other Purposes. 1733

cxxiii. An Act to enable the *London and Blackwall* Railway Company to provide additional Station Accommodation and other Works connected with their Railway; to make a Branch Railway to the *London* Docks; to enter into Arrangements with certain other Companies; and for other Purposes. 1757

cxxiv. An Act to enable the *Salisbury and Yeovil* Railway Company to make a Deviation from their authorized Main Line near *Yeovil*, and for other Purposes connected with their Undertaking. 1777

cxxv. An Act for vesting in a Body of Trustees, to be called "The *Upper Mersey* Dues Trustees," a certain Portion of the *Liverpool* Town and Anchorage Dues; and for other Purposes. 1789

cxxvi. An Act to continue and amend Two Acts, passed in the First and Tenth Years of the Reign of His Majesty King *George* the Fourth, relating to certain Roads and Bridges in the Counties of *Lanark* and *Dumbarton*. 1805

cxxvii. An Act to enable the *Hereford, Hay, and Brecon* Railway Company to relinquish the Junction of their Line with the *Shrewsbury and Hereford* Railway, and in substitution therefor to form a Junction with the *Newport, Abergavenny, and Hereford* Railway. 1817

cxxviii. An Act for making a Railway from *Tenbury* in the County of *Worcester* to the *Severn Valley* Railway near *Bewdley* in the County of *Worcester*. 1825

cxxix. An Act to incorporate a Company for the Improvement of Buildings, and for other Purposes. 1845

cxxx. An Act for extending the Time for the Completion of Portions of the *Dorset Central* Railway; for enabling the *Somerset Central* Railway Company to subscribe to the Undertaking; and for other Purposes. 1857

cxxxi. An Act for making a Railway from *Inverness* to *Invergordon*, to be called "The *Inverness and Ross-shire* Railway;" and for other Purposes. 1869

cxxxii. An Act to provide for Alterations in the Appointment of Overseers, Collectors, and other Poor Law Officers in the Township of *Leeds;* for the Incorporation of Overseers for specific Purposes; and for the levying

levying and Collection of Poor Rates in that Township; and for other Purposes. 1901

cxxxiii. An Act to enable the *Mid-Wales* Railway Company to make a Deviation in their authorized Railway, and to construct Railways to connect their Railway with the *Hereford, Hay, and Brecon*, and the *Brecon and Merthyr* Junction Railways; and for other Purposes. 1909

cxxxiv. An Act to alter, amend, and extend the Powers of the Acts relating to the *Port Carlisle* Dock and Railway, and *Carlisle and Silloth Bay* Railway and Dock Companies; to enable the *Port Carlisle* Dock and Railway Company to raise additional Capital; to enable both or either of the said Companies to run over and use Portions of the Railways of the *Newcastle-upon-Tyne and Carlisle* Railway Company; to compel the *Newcastle-upon-Tyne and Carlisle* Railway Company to afford Facilities and Accommodation upon their Railways to the Traffic of the said Companies; and for other Purposes. 1925

cxxxv. An Act to extend the Period limited by "The *Swansea* Harbour Act, 1859," for the Construction and Completion of the Works authorized by "The *Swansea* Harbour Act, 1854." 1937

cxxxvi. An Act to empower the *Stockport, Disley, and Whaley Bridge* Railway Company to raise additional Money; and for other Purposes connected with their Undertaking. 1941

cxxxvii. An Act for amending "The *Abergavenny* Improvement Act, 1854;" for enabling the Commissioners to construct Works, and supply their District with Water and Gas; and for other Purposes. 1949

cxxxviii. An Act for renewing the Term and for more effectually repairing and maintaining the Road from the *Marchburn*, through *Kelso* in the County of *Roxburgh*, to *Lauder* in the County of *Berwick*, with a Branch from the said Road near *Fansloanend* in the County of *Berwick*, through the Village of *Earlston*, to the *Roxburghshire* Turnpike Road. 1965

cxxxix. An Act for making a Branch Railway from the *Oswestry and Newtown* Railway at *Llynclys* to the *Porthywaen* Lime Rocks in the County of *Salop*. 1973

cxl. An Act to amalgamate the *Jedburgh* Railway Company with the *North British* Railway Company, and for other Purposes. 1977

cxli. An Act for making a Railway from *Llandrindod* in the County of *Radnor* to *Llandovery* in the County of *Carmarthen*, to be called "The *Central Wales Extension* Railway;" and for other Purposes. 1993

cxlii. An Act for making a Railway from the Royal Burgh of *Bervie* or *Inverbervie* in the County of *Kincardine* to the *Montrose* Branch of the *Scottish North-eastern* Railway in the County of *Forfar*, to be called "The *Montrose and Bervie* Railway." 2013

cxliii. An Act to extend the *Epping* Railways to *Great Dunmow* in the County of *Essex*. 2033

cxliv. An

cxliv. An Act to enable the *Caledonian* Railway Company to acquire, make, and maintain certain Branch Railways to *Lanark* and to the *Douglas* Mineral Field, and also to their *Granton* Branch. 2041

cxlv. An Act to enable the *West of Fife Mineral* Railway Company to extend the *Kingseat* Branch of their Railway; and for certain other Purposes. 2049

cxlvi. An Act to repeal an Act of the First Year of the Reign of King *William* the Fourth, intituled *An Act for repairing the Road from* Wimborne Minster *to* Blandford Forum *in the County of* Dorset, and to make other Provisions in lieu thereof, and for other Purposes. 2057

cxlvii. An Act for the Transfer of the remaining Property of the *Hungerford Market* Company and the *Charing Cross Bridge* Company respectively to the *Charing Cross* Railway Company, and for the winding-up of the Affairs and the Dissolution of the *Hungerford Market* Company and the *Charing Cross Bridge* Company respectively, and for other Purposes. 2069

cxlviii. An Act for enabling the Local Board of Health for the Town and District of *Swansea* to construct and maintain an improved System of Waterworks; and for other Purposes. 2085

cxlix. An Act for making a Railway from the *Chester and Holyhead* Railway near *Conway* to *Llanrwst*. 2105

cl. An Act to enable the *Mersey* Docks and Harbour Board to erect Floating Bridges and other Works at *Liverpool* and *Woodside*, for improving the Communication between *Liverpool* and *Birkenhead*; and for other Purposes. 2121

cli. An Act for making better Provision for the Maintenance, Regulation, and Improvement of *Watchet* Harbour; and for other Purposes. 2141

clii. An Act to enable the *Wimbledon and Dorking* Railway Company to raise further Capital; and for other Purposes. 2185

cliii. An Act for making a Railway from the *Waterford and Kilkenny* Railway at *Kilkenny* to the *Great Southern and Western* Railway at *Mountrath*, and for other Purposes. 2189

cliv. An Act to consolidate into One Act, and to amend, extend, and enlarge the Powers and Provisions of the several Acts for embanking and draining certain Low Lands and Grounds in the Parishes or Townships of *Everton*, *Scaftworth*, *Gringley-on-the-Hill*, *Misterton*, and *Walkeringham* in the County of *Nottingham*, and to make further and better Provision for such Embankment and Drainage. 2209

clv. An Act for making a Railway from *Kilrush* to *Kilkee*, and for embanking and reclaiming certain Waste Lands in the Estuary of *Poulnasherry* in the County of *Clare*. 2241

clvi. An Act for authorizing the Construction of a Railway and Docks and other Works on the North Side of *Milford Haven* in the County of *Pembroke*, and for other Purposes. 2265

clvii. An Act for the Extension of the *Waveney Valley* Railway from *Bungay* to *Beccles* in *Suffolk*. 2293

clviii. An

clviii. An Act for authorizing the Transfer of the *Epsom and Leatherhead* Railway, and for other Purposes. 2305

clix. An Act to confer Powers on the *North British* Railway Company to enlarge their Station at *Edinburgh*, and with respect to the *Carlisle Citadel* Station. 2325

clx. An Act to enable the *Waterford and Limerick* Railway Company to construct a Tramway to the Market Place at *Limerick*, and a Railway with a Pier or Wharf in connexion therewith at their Terminus at *Waterford;* to raise additional Capital; and for other Purposes. 2333

clxi. An Act for authorizing a Lease in perpetuity of the *Vale of Towy* Railway to the *Llanelly* Railway and Dock Company, and for increasing the Capital of the Company, and for other Purposes. 2349

clxii. An Act for making Railways for the Purpose of connecting *Ryde* with *Ventnor* and the East Coast of the *Isle of Wight*, and for other Purposes. 2365

clxiii. An Act for making a Railway from *Sudbury*, through *Melford*, to *Clare*. 2385

clxiv. An Act for making a Railway from the *Vale of Clwyd* Railway at *Denbigh* in the County of *Denbigh* to *Corwen* in the County of *Merioneth*, to be called "The *Denbigh, Ruthin, and Corwen* Railway." 2401

clxv. An Act to repeal an Act, intituled *An Act for the Improvement of the Navigation of the River* Moy *in the Counties of* Mayo *and* Sligo *in* Ireland, and to grant other and further Powers for the Improvement of the said Navigation. 2417

clxvi. An Act for making Railways between the *London, Brighton, and South Coast* and *Direct Portsmouth* Railways and *Hayling Ferry*, and for other Purposes. 2441

clxvii. An Act to empower the *Bradford, Wakefield, and Leeds* Railway Company to construct a Railway to *Ossett* in the West Riding of the County of *York;* and for other Purposes. 2461

clxviii. An Act for making an improved Communication between the *Great Northern* Railway and the *Metropolitan* Railway near the *King's Cross* Station, and for authorizing certain Arrangements between the *Great Northern* and *Metropolitan* Railway Companies with reference thereto. 2473

clxix. An Act for incorporating and granting other Powers to "The Land Loan and Enfranchisement Company." 2485

clxx. An Act to alter and amend "The *Scottish* Drainage and Improvement Company's Act, 1856." 2529

clxxi. An Act to enable the *London, Brighton, and South Coast* Railway Company to make certain Alterations in their Coast Lines and in the Line of the *West End of London and Crystal Palace* Railway, a new Channel for the River *Arun*, and other Works; and for other Purposes. 2537

clxxii. An Act for enabling the *Mid-Sussex and Midhurst Junction* Railway Company to deviate a Portion of the authorized Line of the *Mid-Sussex and Midhurst Junction* Railway, 1859. 2573

clxxiii. An Act for making a Railway from the *Mid-Sussex and Midhurst Junction* Railway to *Petersfield* in the County of *Southampton*. 2585

clxxiv. An Act for the Transfer of the *Farnborough Extension* Railway to the *London, Chatham, and Dover* Railway Company, and for the Dissolution of the *West End of London and Crystal Palace* Railway Company; and for other Purposes. 2601

clxxv. An Act for making a Railway from *Llanidloes* in the County of *Montgomery* to *Pencader* in the County of *Carmarthen*, and for other Purposes. 2621

clxxvi. An Act for consolidating the Acts relating to the Widows Fund of the Royal College of Surgeons of *Edinburgh*, for regulating the future Management of the said Fund, and for other Purposes. 2637

clxxvii. An Act for enabling the *London, Chatham, and Dover* Railway Company to extend their Railway Communications to the Metropolis; and for other Purposes connected with their Undertaking. 2661

clxxviii. An Act to enable the *Monkland* Railways Company to make and maintain a Branch Railway to *Shotts* Ironworks, and certain other Branches and Works in the Counties of *Lanark* and *Linlithgow*; and for other Purposes. 2721

clxxix. An Act for vesting the *Hay* Railway in the *Hereford, Hay, and Brecon* Railway Company, and for dissolving the *Hay* Railway Company, and for other Purposes. 2737

clxxx. An Act for making a Railway from the *Mid-Sussex* Railway to the *Godalming* Branch of the *London and South-western* Railway at *Guildford*, to be called "The *Horsham and Guildford Direct* Railway." 2753

clxxxi. An Act to confer upon the Local Board of Health for *Macclesfield* further Powers with reference to the Supply of Gas, and for other Purposes. 2773

clxxxii. An Act to authorize the Lease or Sale of the *Athenry and Tuam* Railway to the *Midland Great Western* Railway of *Ireland* Company, and for other Purposes. 2797

clxxxiii. An Act for establishing Railway Communication between *Bedford* and *Cambridge*, and for other Purposes. 2809

clxxxiv. An Act for confirming, with certain Variations, an Agreement made in the Year 1682 between the Masters of the Bench of the Honourable Society of *Lincoln's Inn* and *Henry Serle* Esquire, and for the future Government and Regulation of *Serle's Court*, now commonly called *New Square, Lincoln's Inn*. 2837

clxxxv. An Act for authorizing the *London and South-western* Railway Company to alter their *Kingston Bridge* Line; and for authorizing divers Arrangements between them and other Companies; and for other Purposes. 2869

clxxxvi. An

clxxxvi. An Act for enabling the Local Board of Health for the Borough of *Wigan* to abandon a Portion of their Waterworks, and to construct and maintain other Waterworks; and for other Purposes. 2909

clxxxvii. An Act for the Creation of Capital Stocks and Debenture Stock of the *London, Chatham, and Dover* Railway Company, and for other Purposes. 2933

clxxxviii. An Act for making a Railway from *Llangollen* in the County of *Denbigh* to *Corwen* in the County of *Merioneth*, and for other Purposes. 2949

clxxxix. An Act for providing and constructing Markets, Market Places, and Slaughter-houses, with all necessary Conveniences, within the Parishes of *Burnham* and *Huntspill* in the County of *Somerset*, and for supplying and lighting with Gas the Town or Hamlet of *Highbridge* and the Parishes or Places adjacent, all in the County of *Somerset*. 2965

cxc. An Act for the improving of the Navigation of the River *Fergus*, and the embanking and reclaiming from the Sea of Waste Lands subject to be overflowed by the Tide on the Eastern and Western Sides of the River in the County of *Clare*. 2977

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PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

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23° & 24° VICTORIÆ,

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E. & I. - - - -	England and Ireland.
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——— to repeal so much of the Act 22 & 23 Vict. c. 27. and of certain other Acts as authorizes the Secretary of State in Council to give Directions for raising European Forces for the Indian Army of Her Majesty	100.	U.K.
——— to extend in certain Cases the Provisions of the Superannuation Act, 1859 (22 Vict. c. 26.) -	89.	U.K.
ECCLESIASTICAL COMMISSION, &c.; further to amend the Acts relating to the Ecclesiastical Commissioners, &c. -	124.	E.
——— to enable the Ecclesiastical Commissioners for England to apply certain Funds towards the Repairs of the Cathedral or Collegiate Church of Manchester -	69.	E.
——— to make better Provision for the Union of contiguous Benefices in Cities, Towns, and Boroughs -	142.	E.
——— further to amend certain Acts relating to the Temporalities of the Church in Ireland - - -	150.	I.
ECCLESIASTICAL COURTS, to abolish the Jurisdiction of, in Ireland in Cases of Defamation, and in England and Ireland in certain Cases of Brawling - - -	32.	E. & I.
EDINBURGH, to confer Powers on the Commissioners of Her Majesty's Works and Public Buildings to acquire certain Property in, for the Erection of an Industrial Museum - - - - - -	117.	S.
——— to abolish the Annuity Tax in Edinburgh and Montrose, and to make Provision in regard to the Stipends of the Ministers in that City and Burgh, &c.	50.	S.
ELECTION, &c. OF CORONERS. *See* CORONERS.		
ELECTIONS, PARLIAMENTARY; to continue the Corrupt Practices Prevention Act, 1854 (17 & 18 Vict. c. 102.) -	99.	G.B. & I.

	Cap.	Relating to
EMBLEMS, PARTY; to amend the Act 13 & 14 Vict. c. 2. to restrain Party Processions - - - -	141.	I.
EMPLOYMENT OF WOMEN, &c. *See* BLEACHING AND DYEING WORKS.		
ENDOWED CHARITIES, to amend the Law relating to the Administration of - - - - - - -	136.	E.
ENDOWED SCHOOLS, to amend the Law relating to - -	11.	E.
ENDOWMENT, &c. OF SMALL BENEFICES; to promote and facilitate the Endowment and Augmentation of small Benefices -	72.	I.
EPISCOPAL AND CAPITULAR ESTATES; further to amend the Acts relating to the Ecclesiastical Commissioners, and the Act concerning the Management of Episcopal and Capitular Estates - - - - - - - -	124.	E.
EPSOM. *See* LOCAL GOVERNMENT.		
EQUITY. *See* CHANCERY, COURT OF. COMMON LAW PROCEDURE.		
ESTATES. *See* UNIVERSITIES AND COLLEGE ESTATES.		
EUROPEAN FORCES (INDIA); to repeal so much of the Act 22 & 23 Vict. c. 27. and of certain other Acts as authorizes the Secretary of State in Council to give Directions for raising European Forces for the Indian Army - -	100.	U.K
EVIDENCE (CHANCERY); to enable the Lord Chancellor and Judges of the Court of Chancery to carry into effect the Recommendations and Suggestions of the Chancery Evidence Commissioners by General Rules and Orders of the Court - - - - - - -	128.	E.
EXCHEQUER BILLS, &c.; for raising the Sum of 13,230,000*l.* by Exchequer Bills for the Service of the Year 1860	20.	U.K.
——— for raising the Sum of 2,000,000*l.* by Exchequer Bonds or Exchequer Bills for the Service of the Year 1860 - - - - - -	132.	U.K.
EXCISE DUTIES; to grant Duties of Excise on Chicory, and on Licences to Dealers in Sweets or Made Wines; also to reduce the Excise Duty on Hops and the Period of Credit allowed for Payment of the Duty of Malt and Hops respectively; to repeal the Exemption from Licence Duty of Persons dealing in Foreign Wine and Spirits in Bond; and to amend the Laws relating to the Excise - - -	113.	G.B. & I.
——— to reduce into One Act and to amend the Excise Regulations relating to the distilling, rectifying, and dealing in Spirits - - - -	114.	U.K.
——— to grant Excise Duties on British Spirits and on Spirits imported from the Channel Islands - -	129.	U.K.
——— to repeal the Duties on Game Certificates and Certificates to deal in Game, and to impose in lieu thereof Duties on Excise Licences and Certificates for the like Purposes - - - - -	90.	G.B. & I.
——— *See also* WINE LICENCES, &c.		
EXPLOSIVE SUBSTANCES. *See* FIREWORKS.		
EXTRA-PAROCHIAL PLACES, to remove Doubt as to the Validity of certain Marriages in - - - -	24.	E.

F.

FACTORIES; to place the Employment of Women, Young Persons, and Children in Bleaching Works and Dyeing Works under the Regulations of the Factories Acts -	78.	G.B. & I.

	Cap.	Relating to
FALKLAND ISLANDS. *See* COAST OF AFRICA.		
FAREHAM. *See* LOCAL GOVERNMENT.		
FARM SERVANTS, DWELLINGS FOR. *See* LABOURERS COTTAGES.		
FIREWORKS; to amend the Law concerning the making, keeping, and Carriage of Gunpowder and Compositions of an explosive Nature, and concerning the Manufacture, Sale, and Use of Fireworks - - - - - -	139.	G.B. & I.
FISHERIES; to extend the Act 8 & 9 Vict. c. 26. for preventing fishing for Trout or other Fresh-water Fish by Nets in the Rivers and Waters in Scotland -	45.	S.
——— to amend the Law relative to the Scottish Herring Fisheries - - - - - -	92.	S.
FOOD OR DRINK, for preventing the Adulteration of Articles of - - - - - - - -	84.	G.B. & I.
FOREIGN WINES. *See* EXCISE.		
FORTIFICATIONS; for defraying the Expenses of constructing Fortifications for the Protection of the Royal Arsenals and Dockyards and the Ports of Dover and Portland, and of creating a Central Arsenal . -	109.	G.B. & I.
——— to make better Provision for acquiring Lands for the Defence of the Realm - - - -	112.	G.B. & I.
FRESH-WATER FISHING; to extend the Act 8 & 9 Vict. c. 26. for preventing fishing for Trout or other Fresh-water Fish by Nets in the Rivers and Waters in Scotland - -	45.	S.
FRIENDLY SOCIETIES; to amend the Act 18 & 19 Vict. c. 63. relating to Friendly Societies - - -	58.	G.B. & I.
——— to make further Provision with respect to Monies received from Savings Banks and Friendly Societies - - - - - - -	137.	G.B. & I.
FRIENDS, SOCIETY OF; to amend the Acts relating to Marriages, by extending certain Provisions thereof to Persons professing with the Society of Friends - - -	18.	E. & I.

G.

GAME CERTIFICATES, &c.; to repeal the Duties on Game Certificates and Certificates to deal in Game, and to impose in lieu thereof Duties on Excise Licences and Certificates for the like Purposes - - - - - -	90. 113. § 43.	G.B. & I. I.
GAS, SALES OF, to amend the Act 22 & 23 Vict. c. 66. for regulating Measures used in - - - - - -	146.	G.B. & I.
GAS, SUPPLY OF; for better regulating the Supply of Gas to the Metropolis - - - - - -	125.	E.
GENERAL PRISON AT PERTH. *See* PRISONS.		
GENERAL RULES IN CHANCERY. *See* EVIDENCE.		
GOVERNMENT OF INDIA. *See* EAST INDIA LOAN.		
GOVERNMENT OF THE NAVY; to amend the Laws relating to the Government of the Navy - - - -	123.	U.K.
GROUNDS FOR RIFLE PRACTICE, for facilitating the Acquisition by Rifle Volunteer Corps of - - - - - -	140.	G.B.
GUNPOWDER, &c.; to amend the Law concerning the making, keeping, and Carriage of Gunpowder and Compositions of an explosive Nature, and concerning the Manufacture, Sale, and Use of Fireworks . - - - - - -	139.	G.B. & I.

H.

	Cap.	Relating to
HARBOURS, &c.; to provide for the Settlement and Discharge of the Debt due to the Commissioners of Her Majesty's Treasury from the Harbour and Docks of Leith - - - - - -	48.	S.
——— for the Construction of a new Harbour, and the Improvement of the existing Harbour, at Anstruther Easter (Fife) - - - - -	39.	S.
——— to make further Provision for Improvements in the Harbours of the Isle of Man - - -	56.	E.
HASTINGS. *See* LOCAL GOVERNMENT.		
HEALTH, BOARDS OF. *See* LOCAL BOARDS OF HEALTH.		
HERITABLE SECURITIES, &c.; to regulate the levying and Collection of the Inventory Duty payable upon Heritable Securities and other Property - - - -	80.	S.
HERRING FISHERIES; to amend the Law relative to the Scottish Herring Fisheries - - - - -	92.	S.
HIGH COURT OF CHANCERY. *See* CHANCERY, COURT OF.		
HIGHLAND ROADS AND BRIDGES; to levy an Assessment in the County of Inverness to discharge a Debt on the Castle Stewart and Nairn Road - - - -	37.	S.
HIGHWAY RATES; to continue the Act 4 & 5 Vict. c. 59. for authorizing the Application of Highway Rates to Turnpike Roads - - - - - - -	67.	E.
HIGHWAYS (SOUTH WALES), for the better Management and Control of - - - - - -	68.	W.
HOPS, to reduce the Excise Duty on, and the Period of Credit allowed for Payment of the Duty on Malt and Hops respectively - - - - - -	113.	G.B. & I.
HURRICANE AT DOMINICA. *See* WEST INDIA RELIEF.		

I.

ILLICIT DISTILLATION; further to amend the Act 18 & 19 Vict. c. 62. to amend the Law for the better Prevention of the Sale of Spirits by unlicensed Persons, and for the Suppression of illicit Distillation - - - -	35.	I.
IMPROVEMENT COMMISSIONERS. *See* LOCAL BOARDS OF HEALTH.		
IMPROVEMENT OF LANDED PROPERTY. *See* TENURE AND IMPROVEMENT OF LAND. DWELLINGS FOR LABOURING CLASSES.		
IMPROVEMENT OF TOWNS; to amend the Police of Towns Improvement Act (13 & 14 Vict. c. 33.), so as to enable Towns and populous Places in Scotland to avail themselves of its Provisions for sanitary and other Improvements, without at the same Time adopting its Provisions as regards the Establishment and Maintenance of a Police Force - - - - - - -	96.	S.
IMPROVEMENTS, PUBLIC; to enable a Majority of Two Thirds of the Ratepayers of any Parish or District, duly assembled, to rate their District in aid of Public Improvements for general Benefit within their District - - -	30.	E.

	Cap.	Relating to
INCLOSURE; to authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners - - - - - -	17.	E.
——— to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners - - - - - -	55.	E.
——— to continue Appointments under the Act 14 & 15 Vict. c. 53., for consolidating the Copyhold and Inclosure Commissions, and for completing Proceedings under the Tithe Commutation Acts - - -	81.	G.B. & I.
INCOME TAX; for granting to Her Majesty Duties on Profits arising from Property, Professions, Trades, and Offices -	14.	G.B. & I.
INDEMNITY; to indemnify such Persons as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively - -	40.	G.B. & I.
INDIA. *See* EAST INDIES.		
INDIAN BONDS AND SECURITIES; to regulate Probate and Administration with respect to certain Indian Government Securities; to repeal certain Stamp Duties; and to extend the Operation of the Act 22 & 23 Vict. c. 39. to Indian Bonds - - - - - - -	5.	U.K.
INDUSTRIAL MUSEUM FOR SCOTLAND; to confer Powers on the Commissioners of Her Majesty's Works and Public Buildings to acquire certain Property in Edinburgh, for the Erection of an Industrial Museum - - - -	117.	S.
INDUSTRIAL SCHOOLS; to amend the Industrial Schools Act, 1857 (20 & 21 Vict. c. 48.). - - - -	108.	E.
INFANTS MARRIAGES; to explain the Act 18 & 19 Vict. c. 43., for enabling Infants, with the Approbation of the Court of Chancery, to make binding Settlements of their Real and Personal Estate on Marriage. - - - -	83.	E. & I.
INJURIES, MALICIOUS; to amend the Act 7 & 8 Geo. 4. c. 30., relative to malicious Injuries to Property - -	29.	E.
INLAND BONDING; to authorize the Appointment and Approval of Places for the warehousing of Goods for the Security of Duties of Customs - - - - - -	36.	U.K.
INSPECTION, &c. OF MINES. *See* MINES.		
INTERMENT OF THE DEAD. *See* BURIAL BOARDS. BURIAL GROUNDS.		
INVENTORY DUTY; to regulate the levying and Collection of the Inventory Duty payable upon Heritable Securities and other Property - - - - - -	80.	S.
INVERNESS, to levy an Assessment in the County of, to discharge a Debt on the Castle Stewart and Nairn Road -	37.	S.
INVESTMENTS OF SAVINGS BANKS, &c.; to make further Provision with respect to Monies received from Savings Banks and Friendly Societies - - - - - -	137.	G.B. & I.
IONIAN ISLANDS (MARRIAGES); to make Provision respecting the Marriages of British Subjects in the Ionian Islands -	86.	U.K.
IPSWICH. *See* LOCAL GOVERNMENT.		
IRELAND, ACTS RELATING SPECIALLY TO. *See* AUGMENTATION OF SMALL BENEFICES. BANK OF IRELAND. BOROUGH CORONERS. BURIAL GROUNDS. CENSUS. CHURCH TEMPORALITIES. COMMON LAW PROCEDURE. COMMON LODGING HOUSES. CORONERS. DUBLIN. DWELLINGS FOR THE LABOURING CLASSES. ILLICIT DISTILLATION LAND. LANDLORD AND TENANT. MAYNOOTH COLLEGE. MUNICIPAL CORPORATIONS. PARTY EMBLEMS.		

	Cap.	Relating to
PEACE PRESERVATION. PHŒNIX PARK. POOR LAW. RAILWAYS. RATEABLE PROPERTY VALUATION. REFRESHMENT HOUSES AND WINE LICENCES. SPIRITS. TENURE AND IMPROVEMENT OF LAND. TRAMWAYS. UNCLAIMED DIVIDENDS. VALUATION OF RATEABLE PROPERTY. WEIGHTS AND MEASURES.		
ISLE OF MAN HARBOURS; to make further Provision for Improvements in the Harbours of the Isle of Man - -	56.	E.

J.

JEWS; to amend the Act of 21 & 22 Vict. c. 49., to provide for the Relief of Her Majesty's Subjects professing the Jewish Religion - - - - - - - -	63.	G.B. & I.
JUDGMENTS; to simplify and amend the Practice as to the Entry of Satisfaction on Crown Debts and on Judgments -	115.	U.K.
JURISDICTION, ADMIRALTY (INDIA); to extend certain Provisions for Admiralty Jurisdiction in the Colonies to Her Majesty's Territories in India - - - - -	88.	U.K.
JUSTICE, ADMINISTRATION OF. *See* ADMINISTERING OF POISON. ADMIRALTY JURISDICTION. CHANCERY, COURT OF. COLONIAL LEGISLATURES. COMMON LAW PROCEDURE. CORONERS. CROWN DEBTS. DEBTORS AND CREDITORS. DIVORCE COURT. DUCHY OF CORNWALL. ECCLESIASTICAL COURTS. LAW AND EQUITY. MALICIOUS INJURIES. OATHS. PETITIONS OF RIGHT. QUEEN'S BENCH.		

L.

LABOURERS COTTAGES; to facilitate the building of Cottages for Labourers, Farm Servants, and Artisans by the Proprietors of Entailed Estates - - -	95.	S.
——— to extend the Act 10 & 11 Vict. c. 32., to facilitate the Improvement of Landed Property in Ireland, and the Acts amending the same, to the Erection of Dwellings for the Labouring Classes - -	19.	I.
LAND, to amend the Law relating to the Tenure and Improvement of - - - - - - -	153.	I.
——— to extend certain Provisions of the Titles to Land (Scotland) Act, 1858 (21 & 22 Vict. c. 76.), to Titles to Land held by Burgage Tenure; and to amend the said Act - - - - - - - -	143.	S.
LANDED PROPERTY IMPROVEMENT ACT. *See* DWELLINGS FOR LABOURING CLASSES.		
LANDLORD AND TENANT, to consolidate and amend the Law of	154.	I.
LAND, to amend the Law relating to the Tenure and Improvement of - - - - - - - - -	153.	I.
LANDS CLAUSES CONSOLIDATION ACTS; to amend the Lands Clauses Consolidation Acts, 1845 (8 & 9 Vict. cc. 18. and 19.), in regard to Sales and Compensation for Land by way of a Rentcharge, Annual Feu Duty, or Ground Annual, and to enable Her Majesty's Principal Secretary of State for the War Department to avail himself of the Powers and Provisions contained in the same Acts - - -	106.	G.B. & I.

	Cap.	Relating to
LANDS, INCLOSURE OF; to authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners - - - - -	17.	E.
——— to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners - - - - -	55.	E.
LAW AND EQUITY; for the further Amendment of the Process, Practice, and Mode of Pleading in and enlarging the Jurisdiction of the Superior Courts of Common Law at Westminster - - - - - -	126.	E.
LAW OF PROPERTY; to further amend the Law of Property -	38.	E. & I.
LEASES, AUTHORIZATION OF. *See* DUCHY OF CORNWALL.		
LEICESTER. *See* LOCAL GOVERNMENT.		
LEITH; to provide for the Settlement and Discharge of the Debt due to the Commissioners of Her Majesty's Treasury from the Harbour and Docks of Leith -	48.	S.
——— to abolish the Annuity Tax in Edinburgh and Montrose, and to make Provision in regard to the Stipends of the Ministers in that City and Burgh, and also to make Provision for the Patronage of the Church of North Leith - - - - -	50.	S.
LICENCES *See* EXCISE. GAME CERTIFICATES. WINE LICENCES.		
LIMITATION OF ACTIONS (DUCHY OF CORNWALL); for the Limitation of Actions and Suits by the Duke of Cornwall in relation to Real Property, and for authorizing certain Leases of Possessions of the Duchy - - -	53.	E.
LISTS AND BALLOTS FOR THE MILITIA. *See* MILITIA.		
LOAN (EAST INDIAN); to enable the Secretary of State in Council of India to raise Money in the United Kingdom for the Service of the Government of India - -	130.	U.K.
LOCAL BOARDS OF HEALTH, &c.; to make further Provision for the Expenses of Local Boards of Health and Improvement Commissioners acting as Burial Boards - -	64.	E.
LOCAL GOVERNMENT; to confirm certain Provisional Orders under the Local Government Act, 1858 (21 & 22 Vict. c. 98.), relating to the Districts of Southampton, Leicester, Epsom, Coventry, Ipswich, Fareham, Wells, Tormoham, Scarborough, Ludlow, Banbury, Boston, Penrith, Barnsley, and Shipley, &c. -	44.	E.
——— to confirm certain Provisional Orders under the Local Government Act (1858), relating to the Districts of Nottingham, Sunderland, Hastings, Reading, Chatham, Dartmouth, Tunbridge Wells, Sheerness, Sandgate, Wilton, Bridgnorth, and Dorchester -	118.	E.
LOCAL PRISONS IN SCOTLAND. *See* PRISONS.		
LOCAL TAXATION; to provide for an annual Return of Rates, Taxes, Tolls, and Dues levied for local Purposes -	51.	E.
LODGING HOUSES; to remove Doubts as to the Application of "The Common Lodging Houses Acts" to Ireland, and to amend the Provisions of the same so far as they relate to Ireland - - - - - - -	26.	I.
LUDLOW *See* LOCAL GOVERNMENT.		
LUNATIC ASYLUM FOR CRIMINALS; to make better Provision for the Custody and Care of Criminal Lunatics - -	75.	E.
——— *See also* QUEEN'S PRISON.		

	Cap.	Relating to

M.

MADE WINES, to grant Duties of Excise on Licences to Dealers in - - - - - - -	113.	G.B. & I.
MALICIOUS INJURIES TO PROPERTY, to amend the Act 7 & 8 Geo. 4. c. 30. relative to - - - - -	29.	E.
MALT. *See* HOPS.		
MAN, ISLE OF; to make further Provision for Improvements in the Harbours of the Isle of Man - - - - -	56.	E.
MANCHESTER CATHEDRAL CHURCH, to enable the Ecclesiastical Commissioners to apply certain Funds towards the Repairs of - - - - - - - -	69.	E.
MARINE MUTINY; for the Regulation of Her Majesty's Royal Marine Forces while on shore - - - - -	10.	U.K.
MARRIAGES; to amend the Acts relating to Marriages, by extending certain Provisions thereof to Persons professing with the Society of Friends called Quakers -	18.	E. & I.
——— to remove Doubt as to the Validity of certain Marriages in extra-parochial Places - - - -	24.	E.
——— to amend the Acts 17 & 18 Vict. c. 80. and 18 & 19 Vict. c. 29., relating to the Registration of Births, Deaths, and Marriages in Scotland - -	85.	S.
——— to render valid certain Marriages in the Chapel of Saint Mary in Rydal (Westmoreland) - - -	1.	E.
——— to make Provision respecting the Marriages of British Subjects in the Ionian Islands - - -	86.	U.K.
——— to explain the Act 18 & 19 Vict. c. 43., for enabling Infants, with the Approbation of the Court of Chancery, to make binding Settlements of their Real or Personal Estate on Marriage - -	83.	E. & I.
MATRIMONIAL CAUSES. *See* DIVORCE COURT.		
MAYNOOTH COLLEGE, to enable the Trustees of, to make Provision for certain necessary Buildings and Repairs - -	104.	I.
MEASURES; to amend the Law relating to Weights and Measures in Ireland - - - - - - -	119.	I.
MEASURES FOR SALE OF GAS, to amend the Act 22 & 23 Vict. c. 66. for regulating - - - - - -	146.	G.B. & I.
MEDICAL ACTS; to amend the Medical Acts 21 & 22 Vict. c. 90. and 22 Vict. c. 21. - - - - -	7.	G.B. & I.
——— to amend the Medical Act 21 & 22 Vict. c. 90. -	66.	G.B. & I.
METROPOLIS GAS SUPPLY; for better regulating the Supply of Gas to the Metropolis - - - - - -	125.	E.
METROPOLITAN BUILDINGS; to alter and amend the Metropolitan Building Act, 1855 (18 & 19 Vict. c. 122.) - -	52.	E.
METROPOLITAN POLICE FORCE; for the Employment of the Metropolitan Police Force in Her Majesty's Yards, &c. -	135.	E.
MILITARY STATIONS. *See* DOCKYARDS.		
MILITIA; to amend the Laws relating to the Militia - -	94.	G.B. & I.
——— to amend the Laws relating to the Ballots for the Militia in England, and to suspend the making of Lists and Ballots for the Militia of the United Kingdom - - - - - - -	120.	G.B. & I.
——— to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in Great Britain and Ireland; to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, &c. - - - -	133.	G.B. & I.

	Cap.	Relating to
MINES, for the Regulation and Inspection of - -	151.	G.B.
MINISTERS STIPENDS. *See* ANNUITY TAX.		
MONTROSE. *See* ANNUITY TAX.		
MORTGAGES, &c.; to make further Provision concerning Mortgages and other Dispositions of Property belonging to Municipal Corporations - - -	16.	E. & I.
——— to give to Trustees, Mortgagees, and others certain Powers now commonly inserted in Settlements, Mortgages, and Wills - - -	145.	E. & I.
——— to repeal a certain Enactment in 21 & 22 Geo. 3. c. 16. (I.) for restraining the Governor and Company of the Bank of Ireland from lending Money on Mortgage - - - - - - -	31.	I.
MUNICIPAL CORPORATIONS, to amend the Provisions of the Act 3 & 4 Vict. c. 108. for the Regulation of, with respect to the Appointment of Coroners in Boroughs - - - - - -	74.	I.
——— to make further Provision concerning Mortgages and other Dispositions of Property belonging to -	16.	E. & I.
MUSEUM. *See* INDUSTRIAL MUSEUM.		
MUTINY; for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters -	9.	U.K.
——— for the Regulation of Her Majesty's Royal Marine Forces while on shore - - - - -	10.	U.K.

N.

NAVAL DISCIPLINE—NAVY; to amend the Laws relating to the Government of the Navy - - -	123.	U.K.
——— to authorize the Commissioners of the Treasury to further regulate the Postage on redirected Letters of Commissioned and Warrant Officers, Seamen, and Soldiers whilst on actual Service - -	65.	U.K.
NORTH LEITH. *See* LEITH.		
NOTTINGHAM. *See* LOCAL GOVERNMENT.		
NUISANCES REMOVAL, &c.; to amend the Acts 18 & 19 Vict. cc. 121. and 116. for the Removal of Nuisances and the Prevention of Diseases - - -	77.	E.
——— *See also* TOWNS.		

O.

OATHS; to amend the Act 21 & 22 Vict. c. 49. to provide for the Relief of Her Majesty's Subjects professing the Jewish Religion - - - - - - -	63.	G.B. & I.
OFFENCES WITHIN HER MAJESTY'S POSSESSIONS ABROAD; to enable the Legislatures of Her Majesty's Possessions abroad to make Enactments similar to the Enactment of the Act 9 Geo. 4. c. 31. s. 8. - - - - -	122.	U.K.
OFFICES, DUTIES ON. *See* INCOME TAX.		
OFFICES, QUALIFICATIONS FOR. *See* INDEMNITY.		
OXFORD UNIVERSITY; to provide for the Consideration of an Ordinance which has been laid before Parliament in a Report of the Oxford University Commissioners -	23.	E.
——— for removing Doubts respecting the Craven Scholarships in the University of Oxford, and for enabling the University to retain the Custody of certain Testamentary Documents - - - - -	91.	E.

P.

	Cap.	Relating to
PACKET SERVICE; to transfer to the Postmaster General Securities entered into with the Commissioners of the Admiralty in relation to the Packet Service - - -	6.	U.K.
PARLIAMENTARY ELECTIONS; to continue the Corrupt Practices Prevention Act, 1854 (17 & 18 Vict. c. 102.) - -	99.	G.B. & I.
PARTY EMBLEMS; to amend the Act 13 & 14 Vict. c. 2. to restrain Party Processions - - - -	141.	I.
PAUPER DEFENDANTS. *See* CHANCERY, COURT OF.		
PAWNBROKERS, to amend the Act 39 & 40 Geo. 3. c. 99. for better regulating the Business of - - -	21.	G.B.
PAY. *See* MILITIA.		
PEACE PRESERVATION; to continue and amend the Peace Preservation (Ireland) Act, 1856 (19 & 20 Vict. c. 36.) -	138.	I.
PENRITH. *See* LOCAL GOVERNMENT.		
PERSONAL ESTATE, SETTLEMENTS OF. *See* INFANTS MARRIAGES.		
PERTH PRISON; to provide for the Management of the General Prison at Perth, and for the Administration of Local Prisons in Scotland - - - - - -	105.	S.
PETITIONS OF RIGHT; to amend the Law relating to, to simplify the Proceedings, and to make Provision for the Costs thereof - - - - - -	34.	E.
PHŒNIX PARK; to vest the Management of the Phœnix Park in the Commissioners of Public Works in Ireland - -	42.	I.
PLEADING. *See* COMMON LAW PROCEDURE.		
POISON, to amend the Law relating to the unlawful administering of - - - - - - -	8.	G.B. & I.
POLICE (DOCKYARD): for the Employment of the Metropolitan Police Force in Her Majesty's Yards and Military Stations	135.	E.
POLICE OF TOWNS; to amend the Police of Towns Improvement Act (13 & 14 Vict. c. 33.), so as to enable Towns and populous Places in Scotland to avail themselves of its Provisions for sanitary and other Improvements, without at the same Time adopting its Provisions as regards the Establishment and Maintenance of a Police Force -	96.	S.
POOR LAW BOARD; to continue the Poor Law Board - -	101.	E.
——— to continue the Powers of the Poor Law Commissioners in Ireland - - - - - -	148.	I.
POPULATION. *See* CENSUS.		
PORTLAND. *See* FORTIFICATIONS.		
PORTSMOUTH, for extinguishing certain Rights of Way through Colewort Barracks in the Borough of - - - -	49.	E.
POSSESSIONS ABROAD; to enable the Legislatures of Her Majesty's Possessions abroad to make Enactments similar to the Enactment of the Act 9 Geo. 4. c. 31. s. 8. -	122.	U.K.
——— *See also* COAST OF AFRICA.		
POST OFFICE—POSTAGE; to transfer to the Postmaster General Securities entered into with the Commissioners of the Admiralty in relation to the Packet Service -	6.	U.K.
——— to authorize the Commissioners of the Treasury to further regulate the Postage on redirected Letters of Commissioned and Warrant Officers, Seamen, and Soldiers whilst on actual Service - - -	65.	U.K.
PRESERVATION OF THE PEACE; to continue and amend the Peace Preservation (Ireland) Act, 1856 (19 & 20 Vict. c. 36.) -	138.	I.

	Cap.	Relating to
PRESIDENT OF THE COUNCIL OF INDIA. *See* EAST INDIES.		
PREVENTION OF DISEASES. *See* NUISANCES REMOVAL.		
PRISONERS FOR CONTEMPT; to make better Provision for the Relief of Prisoners in Contempt of the High Court of Chancery, and Pauper Defendants; and for the more efficient Despatch of Business in the said Court - -	149.	E.
PRISONS; to provide for the Management of the General Prison at Perth, and for the Administration of Local Prisons in Scotland - - - - - - -	105.	S.
PROBATE AND ADMINISTRATION (INDIA); to regulate Probate and Administration with respect to certain Indian Government Securities; to repeal certain Stamp Duties; and to extend the Operation of the Act 22 & 23 Vict. c. 39. to Indian Bonds - - - - - - -	5.	U.K.
PROCEDURE. *See* CHANCERY, COURT OF. COMMON LAW PROCEDURE. DIVORCE COURT.		
PROCESSIONS, PARTY; to amend the Act 13 & 14 Vict. c. 2., to restrain Party Processions - - - -	141.	I.
PROCTORS; to amend the Laws relating to Attorneys, Solicitors, Proctors, &c. - - - - - - -	127.	E.
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PROPERTY, LAW OF; to further amend the Law of Property -	38.	E. & I.
PROPERTY, MALICIOUS INJURIES TO; to amend the Act 7 & 8 Geo. 4. c. 30. relative to - - - -	29.	E.
PROPERTY TAX; for granting to Her Majesty Duties on Profits arising from Property, Professions, Trades, and Offices - - - - - - -	14.	G.B. & I.
PROVISIONAL ORDERS. *See* LOCAL GOVERNMENT. TURNPIKE ROADS, &c.		
PUBLIC BUILDINGS. *See* WORKS AND PUBLIC BUILDINGS.		
PUBLIC IMPROVEMENTS; to enable a Majority of Two Thirds of the Ratepayers of any Parish or District, duly assembled, to rate their District in aid of Public Improvements for general Benefit within their District -	30.	E.
PUBLIC WORKS, to vest the Management of the Phœnix Park in the Commissioners of - - - - - - -	42.	I.

Q.

QUAKERS MARRIAGES; to amend the Acts relating to Marriages, by extending certain Provisions thereof to Persons professing with the Society of Friends - - -	18.	E. & I.
QUALIFICATIONS FOR OFFICES, &c.; to indemnify such Persons as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively - - - - - - -	40.	G.B. & I.
QUALIFICATIONS OF COUNCILLORS; to amend the Law relative to the Legal Qualifications of Councillors and the Admission of Burgesses in Royal Burghs - - - -	47.	S.
QUEEN'S BENCH; to amend the Act 6 & 7 Vict. c. 20., for abolishing certain Offices on the Crown Side of the Court of Queen's Bench, and for regulating the Crown Office - - - - - - - - -	54.	E.
QUEEN'S PRISON; to amend the Act 5 & 6 Vict. c. 22. for regulating the Queen's Prison [Removal of Lunatic Prisoners] -	60.	E.

R.

	Cap.	Relating to
RAILWAYS; for amending and making perpetual the Railways Act, Ireland, 1851 (14 & 15 Vict. c. 70.) - -	97.	I.
——— to make perpetual the Act 21 & 22 Vict. c. 75., to amend the Law relating to Cheap Trains, and to restrain the Exercise of certain Powers by Canal Companies being also Railway Companies - -	41.	G.B.& I.
——— *See also* TRAMWAYS.		
RATEABLE PROPERTY VALUATION; to enable the Commissioners of Her Majesty's Treasury to defray One Moiety of the Expense of the annual Revision of the Valuation of Rateable Property in Ireland out of the Consolidated Fund - -	4.	I.
RATES, TAXES, AND DUTIES. *See* CHICORY. CUSTOMS. EXCISE. GAME CERTIFICATES. HIGHWAY RATES. HOPS. INCOME TAX. INVENTORY DUTY. LOCAL TAXATION. MADE WINES. PROPERTY TAX. SPIRITS. STAMP DUTIES. WINE LICENCES.		
RATING OF PARISHES. *See* PUBLIC IMPROVEMENTS.		
READING. *See* LOCAL GOVERNMENT.		
REAL ESTATE, SETTLEMENTS OF. *See* INFANTS MARRIAGES.		
REAL PROPERTY. *See* LIMITATION OF ACTIONS.		
RECTIFICATION OF SPIRITS. *See* EXCISE.		
REDIRECTED LETTERS. *See* POSTAGE.		
REFRESHMENT HOUSES AND WINE LICENCES, for granting to Her Majesty certain Duties on, and for regulating the licensing of Refreshment Houses and the granting of Wine Licences - - - - - - - - - -	27. 113. § 41, 42. 107.	E. E. E. I.
REGISTRATION OF BIRTHS, &c.; to amend the Acts 17 & 18 Vict. c. 80. and 18 & 19 Vict. c. 29., relating to the Registration of Births, Deaths, and Marriages - - - -	85.	S.
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RELIEF OF THE POOR. *See* POOR LAW BOARD.		
RELIEF OF PRISONERS. *See* CHANCERY, COURT OF.		
RELIEF OF TURNPIKE TRUSTS, &c. *See* TURNPIKE ROADS, &c.		
REMOVAL OF NUISANCES, &c.; to amend the Acts 18 & 19 Vict. cc. 121. and 116., for the Removal of Nuisances and the Prevention of Diseases - - - - - -	77.	F.
REPAIR OF MANCHESTER CATHEDRAL. *See* MANCHESTER CATHEDRAL CHURCH.		
RETURNS. *See* ANNUAL RETURNS, &c.		
REVISION OF VALUATION OF RATEABLE PROPERTY. *See* VALUATION OF RATEABLE PROPERTY.		
RIFLE VOLUNTEER CORPS; for facilitating the Acquisition by Rifle Volunteer Corps of Grounds for Rifle Practice	140.	G.B.
——— *See also* YEOMANRY OR VOLUNTEER CORPS.		
RIGHT, PETITIONS OF, to amend the Law relating to, to simplify the Proceedings, and to make Provisions for the Costs thereof - - - - - -	34.	E.
RIGHTS OF WAY; for extinguishing certain Rights of Way through Colewort Barracks, Portsmouth - -	49.	E.
ROMAN CATHOLIC CHARITIES; to amend the Law regarding Roman Catholic Charities - - - -	134.	E.
ROYAL ARSENALS. *See* DEFENCE OF THE REALM.		
ROYAL BURGHS. *See* COUNCILLORS OF BURGHS.		
ROYAL MARINES. *See* MUTINY.		
ROYAL NAVY. *See* NAVAL DISCIPLINE.		
RYDAL. *See* SAINT MARY IN RYDAL.		

	Cap.	Relating to
SAINT MARY IN RYDAL (WESTMORELAND), to render valid certain Marriages in the Chapel of - - -	1.	E.
SALE OF FIREWORKS. *See* FIREWORKS.		
SALE OF GAS, to amend the Act 22 & 23 Vict. c. 66. for regulating Measures used in - - -	146.	G.B. & I.
SALE OF SPIRITS; further to amend the Act 18 & 19 Vict. c. 62. to amend the Law for the better Prevention of the Sale of Spirits by unlicensed Persons, and for the Suppression of illicit Distillation - - - - -	35.	I.
SALES OF LAND. *See* LANDS CLAUSES CONSOLIDATION ACTS.		
SALMON FISHING. *See* FISHERIES.		
SANDGATE. *See* LOCAL GOVERNMENT.		
SANITARY IMPROVEMENTS IN TOWNS. *See* TOWNS IMPROVEMENT.		
SATISFACTION ON CROWN DEBTS, &c., to simplify and amend the Practice as to the Entry of - - - - -	115.	U.K.
SAVINGS BANKS, &c.; to make further Provision with respect to Monies received from Savings Banks and Friendly Societies - - - - - - -	137.	G.B. & I.
SCARBOROUGH. *See* LOCAL GOVERNMENT.		
SCHOLARSHIPS. *See* OXFORD UNIVERSITY.		
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——— to amend the Industrial Schools Act, 1857 (20 & 21 Vict. c. 48.) - - - - -	108.	E.
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SCOTTISH HERRING FISHERIES, to amend the Law relative to the - - - - - - - - - -	92.	S.
SEAMEN. *See* POSTAGE.		
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SENIOR MEMBER OF COUNCIL (INDIA); to remove Doubts as to the Authority of the Senior Member of the Council of the Governor General of India in the Absence of the President	87.	U.K.
SEQUESTRATION; to amend certain Provisions in the Bankrupt Law of Scotland - - - - - - - -	33.	S.
SETTLEMENTS, &c.; to give to Trustees, Mortgagees, and others certain Powers now commonly inserted in Settlements, Mortgages, and Wills - - -	145.	E. & I.
——— to explain the Act 18 & 19 Vict. c. 43., enabling Infants, with the Approbation of the Court of Chancery, to make binding Settlements of their Real or Personal Estate on Marriage - -	83.	E. & I.
SHEERNESS. *See* LOCAL GOVERNMENT.		
SHERIFF COURT HOUSES; to provide additional Accommodation for the Sheriff Courts - - - - -	79.	S.

	Cap.	Relating to
SHIPLEY. *See* LOCAL GOVERNMENT.		
SMALL BENEFICES, to promote and facilitate the Endowment and Augmentation of - - - - - -	72.	I.
SOCIETY OF FRIENDS. *See* QUAKERS MARRIAGES.		
SOLDIERS. *See* ARMY.		
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SOUTH WALES, for the better Management and Control of the Highways in - - - - - - -	68.	W.
SOUTHAMPTON. *See* LOCAL GOVERNMENT.		
SPIRITS; to reduce into One Act and to amend the Excise Regulations relating to the distilling, rectifying, and dealing in Spirits - - - -	114.	U.K.
——— to grant Excise Duties on British Spirits and on Spirits imported from the Channel Islands -	129.	U.K.
——— to repeal the Exemption from Licence Duty of Persons dealing in Foreign Wine and Spirits in Bond, &c. -	113.	G.B. & I.
——— further to amend the Act 18 & 19 Vict. c. 62. to amend the Law for the better Prevention of the Sale of Spirits by unlicensed Persons, and for the Suppression of illicit Distillation - - -	35.	I.
STAMP DUTIES; for granting to Her Majesty certain Duties of Stamps - - - - - - - -	15.	G.B. & I.
——— for granting to Her Majesty certain Duties of Stamps, and to amend the Laws relating to the Stamp Duties - - - - - - -	111.	G.B. & I.
——— to repeal certain Stamp Duties - - -	5.	U.K.
——— *See also* INVENTORY DUTY.		
STOCK-JOBBING; to repeal the Act 7 Geo. 2. c. 8. commonly called "Sir John Barnard's Act," and the Act 10 Geo. 2. c. 8.	28.	G.B. & I.
STOCK, UNCLAIMED; to make Provision as to Stock and Dividends unclaimed in Ireland - - -	71.	I.
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SUNDERLAND. *See* LOCAL GOVERNMENT.		
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SUSPENSION OF THE MILITIA BALLOTS. *See* MILITIA.		
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T.

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TAXES, RATES, AND DUTIES. *See* CHICORY. CUSTOMS. EXCISE. GAME CERTIFICATES. HIGHWAY RATES. HOPS. INCOME TAX. INVENTORY DUTY. LOCAL TAXATION. MADE WINES. PROPERTY TAX. SPIRITS. STAMP DUTIES. WINE LICENCES.		

	Cap.	Relating to
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TENANT AND LANDLORD, to consolidate and amend the Law of - - - - - - - - -	154.	I.
TENISON'S CHARITY; for confirming a Scheme of the Charity Commissioners for the Administration of Archbishop Tenison's Charity in the Parish of Saint Martin in the Fields (Westminster) - - - - -	43.	E.
TENURE AND IMPROVEMENT OF LAND, to amend the Law relating to the - - - - - - - - -	153.	I.
TESTAMENTARY DOCUMENTS, CUSTODY OF. *See* OXFORD UNIVERSITY.		
TITHES; to amend and further extend the Acts for the Commutation of Tithes in England and Wales - -	93.	E.
——— to continue Appointments under the Act 14 & 15 Vict. c. 53., for consolidating the Copyhold and Inclosure Commissions, and for completing Proceedings under the Tithe Commutation Acts - - -	81.	G.B. & I.
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TOLLS. *See* LOCAL TAXATION.		
TORMOHAM. *See* LOCAL GOVERNMENT.		
TOWNS IMPROVEMENT; to amend the Police of Towns Improvement Act (13 & 14 Vict. c. 33.) so as to enable Towns and populous Places in Scotland to avail themselves of its Provisions for sanitary and other Improvements, without at the same Time adopting its Provisions as regards the Establishment and Maintenance of a Police Force - -	96.	S.
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TRAMWAYS; to facilitate internal Communication in Ireland by means of - - - - - - -	152.	I.
TRANSFER OF CONTRACTS. *See* PACKET SERVICE.		
TRANSFER OF EAST INDIA STOCK. *See* BANK OF ENGLAND.		
TROUT-FISHING. *See* FISHERIES.		
TRUSTEES, &c.; to give to Trustees, Mortgagees, and others certain Powers now commonly inserted in Settlements, Mortgages, and Wills - - - - - -	145.	E. & I.
TRUSTS, TURNPIKE. *See* TURNPIKE ROADS, &c.		
TUNBRIDGE WELLS. *See* LOCAL GOVERNMENT.		
TURNPIKE ROADS, &c.; to continue certain Turnpike Acts, and to extend the Provisions of the Act 14 & 15 Vict. c. 38. - - - - - - -	73.	G.B.
——— to confirm certain Provisional Orders made under the Act 14 & 15 Vict. c. 38. to facilitate Arrangements for the Relief of Turnpike Trusts - - -	70.	E.
——— to continue the Act 4 & 5 Vict. c. 59. for authorizing the Application of Highway Rates to Turnpike Roads - - - - - - -	67.	E.
——— for the better Management and Control of the Highways in South Wales - - - - - -	68.	W.

U.

UNCLAIMED DIVIDENDS, &c., to make Provision as to, in Ireland	71.	I.
UNION OF BENEFICES; to make better Provision for the Union of contiguous Benefices in Cities, Towns, and Boroughs -	142.	E.

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UNIVERSITY OF OXFORD; to provide for the Consideration of an Ordinance which has been laid before Parliament in a Report of the Oxford University Commissioners	23.	E.
——— for removing Doubts respecting the Craven Scholarships in the University of Oxford, and for enabling the University to retain the Custody of certain Testamentary Documents - - - -	91.	E.

V.

VALIDITY OF MARRIAGES. *See* MARRIAGES.		
VALUATION OF RATEABLE PROPERTY; to enable the Commissioners of Her Majesty's Treasury to defray One Moiety of the Expense of the annual Revision of the Valuation of Rateable Property in Ireland out of the Consolidated Fund	4.	I.
VOLUNTEER CORPS; for facilitating the Acquisition by Rifle Volunteer Corps of Grounds for Rifle Practice -	140.	G.B.
——— to prevent the Members of Benefit Societies from forfeiting their Interest therein by being enrolled in -	13.	G.B.

W.

WALES. *See* SOUTH WALES.		
WAR DEPARTMENT; to amend the Lands Clauses Consolidation Acts, 1845 (8 & 9 Vict. cc. 18. and 19.), in regard to Sales and Compensation for Land by way of a Rentcharge, Annual Feu Duty, or Ground Annual, and to enable Her Majesty's Principal Secretary of State for the War Department to avail himself of the Powers and Provisions contained in the same Acts - - - -	106.	G.B. & I.
WAREHOUSING OF GOODS; to authorize the Appointment and Approval of Places for the warehousing of Goods for the Security of Duties of Customs - - - -	36.	U.K.
WARRANT OFFICERS. *See* POSTAGE.		
WEIGHTS AND MEASURES, to amend the Law relating to -	119.	I.
WELLS. *See* LOCAL GOVERNMENT.		
WEST INDIA RELIEF; to authorize an Extension of the Time for Repayment of a Loan made by the West India Relief Commissioners to the Island of Dominica - -	57.	U.K.
WHITE HERRING FISHERIES. *See* HERRING FISHERIES.		
WILTON. *See* LOCAL GOVERNMENT.		
WILLS. *See* SETTLEMENTS, &c.		
WINE LICENCES; for granting to Her Majesty certain Duties on Wine Licences and Refreshment Houses, and for regulating the licensing of Refreshment Houses and the granting of Wine Licences - - - - -	27. 113. § 41, 42.	E.
	107.	I.
WOMEN, &c., EMPLOYMENT OF. *See* BLEACHING AND DYEING WORKS.		

	Cap.	Relating to
WORKS AND PUBLIC BUILDINGS, to confer Powers on the Commissioners of, to acquire certain Property in Edinburgh, for the Erection of an Industrial Museum - - -	117.	S.

Y.

YEOMANRY OR VOLUNTEER CORPS, to prevent the Members of Benefit Societies from forfeiting their Interest therein by being enrolled in - - - - -	13.	G.B.
YOUNG PERSONS, &c., EMPLOYMENT OF. *See* BLEACHING AND DYEING WORKS.		

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1860.

ANNO VICESIMO TERTIO

VICTORIÆ REGINÆ.

***

and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Marriages heretofore solemnized in Chapel of St. Mary in Rydal declared valid.

I. All Marriages heretofore solemnized in the said Chapel, and the Publication of Banns in such Chapel previous to any such Marriage, shall be and be deemed to have been as good, valid, and effectual in the Law to all Intents and Purposes whatsoever as if such Marriages had been solemnized and such Publication of Banns had taken place in the Parish Church of *Grasmere*.

Ministers having solemnized such Marriages indemnified.

II. No Minister who has solemnized any of the said Marriages shall be liable to any Ecclesiastical Censures, or to any other Proceedings or Penalties whatsoever, by reason of his having so solemnized the same respectively.

Registers of such Marriages, or Copies thereof, to be Evidence.

III. The Registers of the Marriages so solemnized, or Copies of such Registers, shall be received in all Courts of Law and Equity as Evidence of such Marriages respectively, in the same Manner as Registers of Marriages in Parish Churches, or Copies thereof, are by Law receivable in Evidence.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1860.

ANNO REGNI

VICTORIÆ,

Britanniarum Reginæ,

VICESIMO TERTIO.

At the Parliament begun and holden at *Westminster*, the Thirty-first Day of *May*, *Anno Domini* 1859, in the Twenty-second Year of the Reign of our Sovereign Lady VICTORIA, by the Grace of God of the United Kingdom of *Great Britain* and *Ireland*, Queen, Defender of the Faith:

And from thence continued by several Prorogations to the Twenty-fourth Day of *January* 1860; being the SECOND SESSION of the EIGHTEENTH PARLIAMENT of the United Kingdom of *Great Britain* and *Ireland*.

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty.

1860.

ANNO VICESIMO TERTIO

VICTORIÆ REGINÆ.

***

the 31st Day of March 1859, the Sum of 407,649*l.* out of the Consolidated Fund.

Pounds out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland*, for the Time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

The Treasury may cause 407,649*l.* of Exchequer Bills to be made out in manner prescribed by 48 G. 3. c. 1., 4 & 5 W. 4. c. 15., and 5 & 6 Vict. c. 66.

II. It shall be lawful for the said Commissioners of Her Majesty's Treasury from Time to Time, by Warrant under their Hands, to cause or direct any Number of Exchequer Bills to be made out at the Receipt of Her Majesty's Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole the Sum of Four hundred and seven thousand six hundred and forty-nine Pounds; and such Exchequer Bills shall be made out in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions, as are directed and prescribed in an Act passed in the Forty-eighth Year of the Reign of His Majesty King *George* the Third, Chapter One, and in another Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, Chapter Fifteen, and in another Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, Chapter Sixty-six.

The Clauses, &c. in recited Acts extended to this Act.

III. All and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said recited Acts shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if particularly repeated and re-enacted in this Act.

Interest on Exchequer Bills.

IV. The Exchequer Bills to be made out in pursuance of this Act shall and may bear an Interest not exceeding the Rate of Threepence Halfpenny *per Centum per Diem* upon or in respect of the whole of the Moneys respectively contained therein.

Bank of England may advance 407,649*l.* on the Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.

V. It shall and may be lawful for the Governor and Company of the Bank of *England*, and they are hereby empowered, to take, accept, and receive the Exchequer Bills authorized to be made out in pursuance of this Act, and to advance or lend to Her Majesty, at the Receipt of the Exchequer at *Westminster*, upon the Credit of the Sum granted by this Act, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, any Sum or Sums of Money not exceeding in the whole the Sum of Four hundred and seven thousand six hundred and forty-nine Pounds, anything in an Act passed

passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, Chapter Twenty, or in any other Act or Acts, to the contrary notwithstanding.

VI. It shall be lawful for the said Commissioners of Her Majesty's Treasury, and they are hereby authorized and empowered, to cause such Exchequer Bills as shall be prepared by virtue of this Act to be delivered from Time to Time to the Governor and Company of the Bank of *England*, in such Proportions as the Public Service may require, as Security for any Advance or Advances which may be made to Her Majesty by the said Governor and Company of the Bank of *England*, under the Authority of this Act.

Bills prepared by virtue of this Act to be delivered to the Bank, as Security for such Advances.

VII. It shall be lawful for the said Commissioners of Her Majesty's Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be made out in pursuance of this Act to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament.

Moneys raised by Bills to be applied to the Services voted by the Commons.

VIII. The Principal Sum or Sums of Money to be contained in all such Exchequer Bills to be made forth by virtue of this Act, together with the Interest that may become due thereon, shall be and the same are hereby made chargeable and charged upon the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, at any Period not later than the next succeeding Quarter to that in which the said Exchequer Bills have been issued; and it shall be lawful for the said Commissioners of Her Majesty's Treasury for the Time being, and they are hereby authorized, from Time to Time, by Warrant under their Hands, to direct the Comptroller General of the Receipt of the Exchequer at *Westminster*, in such Manner as they shall think necessary, to grant a Credit on the Exchequer Funds in the Bank of *England* unto such Person or Persons as shall be named in the said Warrant, for any Sum or Sums of Money not exceeding in the whole a Sum sufficient to discharge and pay off the Principal Sum or Sums of Money contained in such Exchequer Bills then outstanding, and which may have been made out and issued by virtue of this Act, together with all such Interest as may be due thereupon.

Exchequer Bills made chargeable upon the growing Produce of the Consolidated Fund.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1860.

ANNO VICESIMO TERTIO

VICTORIÆ REGINÆ.

***

4,500,000*l.* out of the Consolidated Fund.

of the United Kingdom of *Great Britain* and *Ireland*, and the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland*, for the Time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

The Treasury may cause 4,500,000*l.* of Exchequer Bills to be made out in manner prescribed by 48 G. 3. c. 1., 4 & 5 W. 4. c. 15., and 5 & 6 Vict. c. 66.

II. It shall be lawful for the said Commissioners of Her Majesty's Treasury, from Time to Time, by Warrant under their Hands, to cause or direct any Number of Exchequer Bills to be made out at the Receipt of Her Majesty's Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole the Sum of Four million five hundred thousand Pounds; and such Exchequer Bills shall be made out in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions, as are directed and prescribed in an Act passed in the Forty-eighth Year of the Reign of His Majesty King *George* the Third, Chapter One, and in another Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, Chapter Fifteen, and in another Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, Chapter Sixty-six.

The Clauses, &c. in recited Acts extended to this Act.

III. All and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said Acts shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if particularly repeated and re-enacted in this Act.

Interest on Exchequer Bills.

IV. The Exchequer Bills to be made out in pursuance of this Act shall and may bear an Interest not exceeding the Rate of Threepence Halfpenny *per Centum per Diem* upon or in respect of the whole of the Monies respectively contained therein.

Bank of England may advance 4,500,000*l.* on the Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.

V. It shall and may be lawful for the Governor and Company of the Bank of *England*, and they are hereby empowered, to take, accept, and receive the Exchequer Bills authorized to be made out in pursuance of this Act, and to advance or lend to Her Majesty, at the Receipt of the Exchequer at *Westminster*, upon the Credit of the Sum granted by this Act, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, any Sum or Sums of Money not exceeding in the whole the Sum of Four million five hundred thousand Pounds, anything in an Act passed in the Fifth

and

and Sixth Years of the Reign of King *William* and Queen *Mary*, Chapter Twenty, or in any other Act or Acts, to the contrary notwithstanding.

VI. It shall be lawful for the said Commissioners of Her Majesty's Treasury, and they are hereby authorized and empowered, to cause such Exchequer Bills as shall be prepared by virtue of this Act to be delivered from Time to Time to the Governor and Company of the Bank of *England*, in such Proportions as the Public Service may require, as Security for any Advance or Advances which may be made to Her Majesty by the said Governor and Company of the Bank of *England*, under the Authority of this Act.

Bills prepared by virtue of this Act to be delivered to the Bank as Security for such Advances.

VII. It shall be lawful for the said Commissioners of Her Majesty's Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be made out in pursuance of this Act to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament.

Monies raised by Bills to be applied to the Services voted by the Commons.

VIII. The Principal Sum or Sums of Money to be contained in all such Exchequer Bills to be made forth by virtue of this Act, together with the Interest that may become due thereon, shall be and the same are hereby made chargeable and charged upon the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, at any Period not later than the next succeeding Quarter to that in which the said Exchequer Bills have been issued; and it shall be lawful for the said Commissioners of Her Majesty's Treasury for the Time being, and they are hereby authorized, from Time to Time, by Warrant under their Hands, to direct the Comptroller General of the Receipt of the Exchequer at *Westminster*, in such Manner as they shall think necessary, to grant a Credit on the Exchequer Funds in the Bank of *England* unto such Person or Persons as shall be named in the said Warrant, for any Sum or Sums of Money not exceeding in the whole a Sum sufficient to discharge and pay off the Principal Sum or Sums of Money contained in such Exchequer Bills then outstanding, and which may have been made out and issued by virtue of this Act, together with all such Interest as may be due thereupon.

Exchequer Bills made chargeable upon the growing Produce of the Consolidated Fund.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1860.

ANNO VICESIMO TERTIO

VICTORIÆ REGINÆ.

***

Valuation of Rateable Property (Ireland).

Power to Treasury to advance such Sums of Money as they may think fit towards the Expense of annual Revision of the Valuation of Rateable Property in Ireland.

II. From and after the Commencement of this Act it shall be lawful for the Commissioners of Her Majesty's Treasury and they are hereby authorized to order and direct that such Sum or Sums of Money as shall be required for defraying the Costs and Expenses of and incident to the annual Revision of the Tenement Valuation of Rateable Property in *Ireland*, made or to be made under the Provisions of the Acts relating to the Valuation of Rateable Property in *Ireland*, or to be incurred by the Commissioner of Valuation in carrying out the Provisions of this Act, shall be advanced quarterly out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

Commissioner of Valuation, &c. to continue to act.

III. The Commissioner of Valuation, and all other Persons heretofore appointed or acting under the Provisions of the said recited Acts, or either of them, shall, and they are hereby respectively authorized and required to continue to discharge and execute their several Duties and Offices for the Purpose of carrying the said recited Acts and this Act into execution, without any further or other Appointment thereto, until the Commissioners of Her Majesty's Treasury shall otherwise direct.

Power to Treasury to appoint Commissioner of Valuation, &c.

IV. Upon the Death, Resignation, or Removal of such Commissioner of Valuation, or any other Commissioner of Valuation hereafter to be appointed, it shall be lawful for the Commissioners of Her Majesty's Treasury from Time to Time to nominate and appoint One other fit and proper Person to be Commissioner of Valuation for the several Counties in *Ireland*, who shall hold such Office during the Will and Pleasure of the said Commissioners, and who shall carry into effect the Provisions of the said recited Acts and of this Act, at such Times, and in such Manner, and under such Regulations as such Commissioners of Her Majesty's Treasury shall order or appoint.

Commissioner of Valuation to appoint Surveyors, Writing Clerks, &c.

V. It shall be lawful for any such Commissioner of Valuation continued or appointed under this Act, with the Approval of the Commissioners of Her Majesty's Treasury, upon the Death, Resignation, or Removal of any of the other Persons aforesaid continued by this Act, to appoint from Time to Time such Person or Persons as he may deem necessary to assist him in carrying into effect the Provisions of the said Acts, and from Time to Time to remove any such Person or Persons, and to appoint any other Person or Persons to act in the Place and Stead of the Person or Persons so removed; and such Person or Persons so continued or to be appointed shall be entitled to receive such Salary, with such Allowances for Travelling, Hotel, and other Expenses, not exceeding the Salary and Allowances fixed by the said first-recited Act, as may from Time to Time be fixed

fixed by the Commissioners of Her Majesty's Treasury; and on the Discontinuance of his or their Office or Offices, or Removal therefrom, such Person or Persons shall be entitled to such Superannuation, Pension, or Allowance as the Commissioners of Her Majesty's Treasury may determine.

VI. The Lists of Valuation, and of every Revision thereof, which the said Commissioner of Valuation is by the said Acts, or either of them, required to make out and transmit to the Guardians of any Union, or to the Town Council of any Borough, or to the Treasurer of any County, shall be in the Form specified in the Schedule to this Act annexed, or in such other Form as the Commissioners of Her Majesty's Treasury shall from Time to Time approve of; and such Lists may be wholly or in part in Print or Writing; and no Alteration shall be made in any such List or Lists, or in the Name of any Occupier or Lessor named therein, save by the Commissioner of Valuation, or by some Person duly authorized by him for that Purpose, or by the Order of a Court of General or Quarter Sessions upon Appeal, or other Court of competent Jurisdiction: Provided, that for the Purpose of any Poor Rate, the Guardians of any Union may make such Departure, not affecting Value, from the Particulars contained in the said Lists, as may be necessary, at the Time of making the Rate, to enable them to make a valid Rating under the Laws in force for the Relief of the destitute Poor in *Ireland*, subject to such Appeal as is now by Law provided, and any such Departure shall be forthwith reported by the Guardians to the Commissioner of Valuation.

Valuation Lists may be in the Form annexed to this Act.

VII. In making the Valuation of any Mill or Manufactory, or Building erected or used for any such Purpose, the Commissioner of Valuation shall in each Case value the Water or other Motive Power thereof, but shall not take into account the Value of any Machinery therein, save only such as shall be erected and used for the Production of Motive Power.

As to the Valuation of Mills, &c.

VIII. One Moiety of the Expenses incurred in defraying the Cost and Expenses aforesaid, and of the total Amount expended in carrying out the Provisions of this Act, except as regards Superannuations, Pensions, or Allowances, shall be repaid to the Commissioners of Her Majesty's Treasury, and shall be levied and raised in like Manner as is provided by the Thirty-ninth Section of the said recited Act of the Fifteenth and Sixteenth Years of Her Majesty, Chapter Sixty-three, for the Payment of the Expenses in that Act mentioned.

Proportion of Expense to be paid by Counties, &c., as provided by 15 & 16 Vict. c. 63.

IX. The Commissioner of Valuation is hereby authorized to supply Copies and Extracts of the Valuation and all Revisions thereof, and of

Commissioner authorized to

supply Copies of Valuations and Maps to Landed Estates Court, and other Courts or Persons, and to charge Fees for same, &c.

Copies of Valuation to be received as Evidence.

of all Field Books and Documents relating thereto, and Copies from Maps or Plans and Portions thereof in his Custody, to the Landed Estates Court, *Ireland*, and to all other Courts, public Bodies, and Individuals requiring the same, and to charge for the same according to a Scale of Fees to be approved of by the Commissioners of Her Majesty's Treasury, which Fees shall be from Time to Time accounted for and applied in such Manner as the said Commissioners may direct; and every such Copy or Extract, signed by the Commissioner of Valuation, or by such Person as he shall from Time to Time depute for that Purpose, shall be deemed and taken to be a true Copy until the contrary is shown, and shall and may be received and given in Evidence in all Suits and other Proceedings, without Proof or Oath, in like Manner as if the Original was produced and proved.

Power to obtain Decision of Superior Courts on Questions of Law.

Chairman of Quarter Sessions may state Case for Opinion of Superior Court.

X. And whereas it is expedient that Provision should be made for obtaining the Decision of a Superior Court on any Question of Law which may arise in relation to the Acts relating to the Valuation or Revision of Rateable Property in *Ireland:* Be it enacted, That within Three Months after the Hearing and Decision by any Court of General or Quarter Sessions of any Appeal which may be made under the Provisions of said recited Acts, or any of them, or of this Act against any Valuation or Exemption, the Commissioner of Valuation or any other Party to such Appeal, if dissatisfied with the Decision of such Court, may, by Notice in Writing, signed by the said Commissioner or by such other Party, or by the Attorney of such Commissioner or other Party, require the Chairman of such Court of General or Quarter Sessions to state and sign a Case, setting forth the Facts and the Grounds of such Decision, for the Opinion thereon of One of the Superior Courts of Law at *Dublin;* and such Chairman shall state such Case in Writing, and sign the same, and transmit it to the Commissioner of Valuation within Twenty-one Days after the Receipt of such Notice; and such Commissioner shall transmit the same to One of the Superior Courts of Law at *Dublin*, first giving Notice in Writing of such Appeal, with a Copy of the Case so stated and signed, to the other Party to the Proceedings in respect of which the Decision was given, or to the Attorney (if any) who shall have appealed for such Party at such Court of General or Quarter Sessions.

Power to Superior Court to decide such Questions as may be referred thereto.

XI. The Superior Court to which a Case is transmitted under this Act shall hear and determine the Question or Questions of Law arising thereon, and shall thereupon reverse, affirm, or amend the Decision in respect of which the Case has been stated, or remit the Matter to the Court of General or Quarter Sessions, with the Decision of such Superior Court thereon, or may make

make such other Order in relation to the Matter, and as to the Costs thereof, as to such Superior Court may seem fit, and all such Orders shall be final and conclusive on all Parties; and such Superior Court may send back the Case for Amendment, and thereupon the same shall be amended by such Chairman accordingly, and Judgment shall be delivered after it shall have been so amended: Provided always, that the Decision of the Court of General or Quarter Sessions shall be binding and conclusive on all Parties, and shall be acted on, notwithstanding the Pendency of any such Case, until such Decision shall have been reversed or altered by the Decision of such Superior Court.

Decision of Court of Quarter Sessions to be binding until the Decision of Superior Court.

XII. The Authority and Jurisdiction hereby vested in a Superior Court may (subject to any Rules and Orders of such Court in relation thereto) be exercised by a Judge of such Court sitting in Chamber, as well in Vacation as in Term Time; and no Writ of Certiorari or other Writ shall be required for the Removal from the Court of General or Quarter Sessions of any Appeal, Order, or Decision in relation to which a Case is stated, under this Act or otherwise, for obtaining the Judgment or Decision of the Superior Court on such Case under this Act; and the Judges of such Superior Court, or any Two or more of them, of whom the Chief of such Court shall be One, may, from Time to Time, and as often as they shall see Occasion, make and alter Rules and Orders to regulate the Practice and Proceedings in reference to the Cases herein-before mentioned.

No Writ of Certiorari required.

XIII. From and after the Commencement of this Act, the Provisions contained in the Thirteenth Section of the Act Fifteenth and Sixteenth *Victoria*, Chapter Sixty-three, and all other Acts or Part of Acts in anywise relating to the Valuation or Revision of the Valuation of Rateable Property in *Ireland*, which may be inconsistent with this Act, shall be and the same are hereby repealed.

Provisions of Acts inconsistent with this Act repealed.

XIV. This Act, and the several Acts relating to the Valuation of Rateable Property in *Ireland*, and also an Act passed in the Nineteenth and Twentieth Years of Her Majesty, Chapter Sixty-three, intituled *An Act to amend the Act relating to Grand Juries in* Ireland, shall be construed together, and deemed and taken as One Act.

Acts to be construed together.

XV. It shall be sufficient for all Purposes to cite this Act as "The Annual Revision of Rateable Property (*Ireland*) Amendment Act, 1860."

Short Title

SCHEDULE referred to in the foregoing Act.

GENERAL VALUATION OF RATEABLE PROPERTY IN IRELAND.

County of _____

Barony of _____ *Parish of* _____

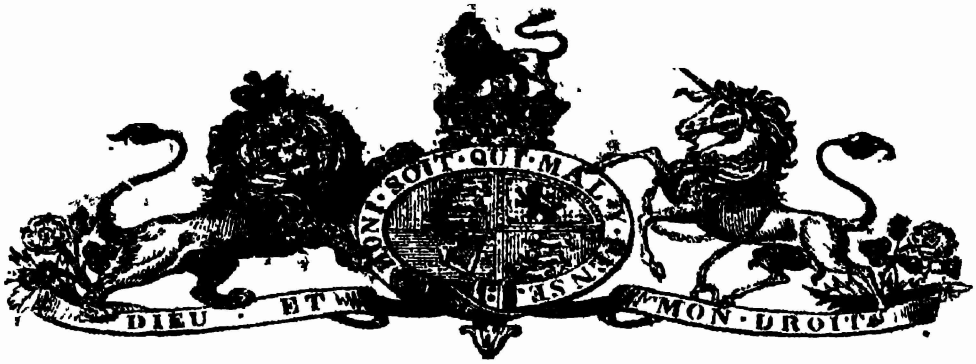
Union of _____ *Electoral Division of* _____

Names.		Description of Tenement.	Area.			Total Annual Valuation.						Total.			Amount of Rate at per £.			Arrears of former Rates (if any).			Total.		
Townlands and Occupiers.	Immediate Lessors.					Land.			Buildings.														
			A.	R.	P.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
KNOCKMAHON. (*Ord. S.* 20.)																							
James Jackson -	In Fee - - -	Ho., Offices, & Land.	120	3	20	130	0	0	50	0	0	180	0	0									
William Richards -	James Jackson -	House and Land -	50	0	0	20	0	0	5	0	0	25	0	0									
John Acheson -	Same - -	Land - -	40	2	0	30	0	0		—		30	0	0									
Samuel Smith -	John Acheson -	House - -		—			—		1	0	0	1	0	0									
Mining Co. of Ireland (*Robt. Heron,*) *Secretary*).	In Fee - -	Engine House & Offs.		—			—		50	0	0	50	0	0									
		Copper Mine -		—			—			—		2,000	0	0									
Great S. & W. Railway Co. (*William Taylor, Secretary*).	In Fee - -	Railway (200 *lineal Perches*).	3	0	15		—			—		300	0	0									
Magnetic Telegraph Co. (*Thos. H. Sanger, Superintendent*)	In Fee - -	200 *lineal Perches* Telegraph Wire -		—			—			—		10	0	0									
John Smith - -	James Jackson -	Salmon Fishery -		—			—					100	0	0									
William Jameson -	"	Land - -	92	1	10	90	0	0				90	0	0									
James Murphy -	William Jameson -	Cottier's House -		—			—		0	15	0	0	15	0									
James Murphy -	"	Turbary - -		—			—			—		10	0	0									
		Total - -	306	3	5	270	0	0	106	15	0	2,796	15	0									

Dated at the Office of the General Valuation of Ireland, Dublin, this Day of 18 .

A. B., Commissioner of Valuation.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1860.



ANNO VICESIMO TERTIO

VICTORIÆ REGINÆ.

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be deemed Assets of the deceased Owner, and it is for the Convenience and Advantage of the Estates of such Persons that the same should be deemed Assets in this Country and not in *India*: And whereas by an Act passed in the Session holden in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, Chapter Sixty-four, Section Five, the Transfer of any Part of the Territorial Debt of the *East India* Company in *India* in the Books of the said Company in *England*, whether upon a Sale thereof or otherwise, was made chargeable with a Stamp Duty of One Pound Ten Shillings, and it is expedient to repeal so much of the said Act as imposes the said Stamp Duty: And whereas under the Authority of various Acts of Parliament the *East India* Company were empowered to raise Money upon Bonds to be issued under their Common Seal, and the said Bonds formerly constituted the Bond Debt of the *East India* Company, and are commonly designated *East India* Bonds: And whereas by an Act passed in the Session holden in the Twenty-first and Twenty-second Years of the Reign of Her present Majesty, Chapter One hundred and six, Section Sixty-seven, all Liabilities of the *East India* Company were transferred to the Secretary of State in Council: And whereas by an Act passed in the last Session of Parliament, Chapter Thirty-nine, Power was given to the Secretary of State in Council to raise Money by Bonds or Debentures or the Creation of a Capital Stock or Annuities upon or for the Repayment of any Principal Money secured under the Authority of the said Act or of either of the Acts therein recited: And whereas it is expedient to extend such Power of raising Money to the Repayment of any of the *East India* Bonds aforesaid: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Indian Government Notes on which Interest is payable in London, and certain Indian Government Promissory Notes, to be deemed Bona notabilia in England.

I. All *Indian* Government Promissory Notes, and Certificates issued or Stock created in lieu thereof, being Assets of a deceased Person, the Interest whereon or in respect of which shall be payable in *London* by Drafts payable in *India*, and which at the Decease of the Owner thereof shall have been registered in the Books of the Secretary of State in Council in *London*, or in the Books of the Governor and Company of the Bank of *England*, or shall have been enfaced in *India* for the Purpose of being so registered before the Decease of the Owner thereof, and all *Indian* Government Promissory Notes issued with Coupons attached which, under such Regulations and Conditions as may be determined from Time to Time by the Secretary of State in Council, shall be so registered, and all Certificates issued or Stock created in lieu thereof, shall be deemed and taken to be

be Personal Estate and *Bona notabilia* of such deceased Person in *England*, and Probate or Letters of Administration in *England*, or Confirmation granted in *Scotland*, and sealed with the Seal of the Principal Court of Probate in *England*, in pursuance of the Provisions of the "Confirmation and Probate Act, 1858," shall be valid and sufficient to constitute the Persons therein named the legal Personal Representatives of the Deceased with respect to such Notes and Moneys as aforesaid.

Probate, &c. or Confirmation granted in Scotland valid, &c.

II. So much of the Fifth Section of the said first-recited Act as enacts that every Transfer of any Part of the said Territorial Debt in the Books of the *East India* Company in *England*, whether upon a Sale thereof or otherwise, shall be chargeable with a Stamp Duty of One Pound Ten Shillings and no more, is hereby repealed; and no Transfer of any Part of the said Territorial Debt or of *Indian* Government Loans registered and transferable in the Books of the Secretary of State in Council in *London*, or in the Books of the Governor and Company of the Bank of *England*, shall be chargeable with any Stamp Duty.

Transfers of Territorial Debt and of Indian Government Loans not chargeable with Stamp Duty.

III. Upon or for the Repayment of any Principal Money secured by the said Bonds, the Secretary of State in Council may at any Time borrow or raise, by all or any of the Modes authorized by the said recited Act passed in the Session holden in the Twenty-second and Twenty-third Years of Her present Majesty, Chapter Thirty-nine, all or any Part of the Principal Money so repaid or to be repaid, and so from Time to Time as all or any Part of the Principal Money secured by the said Bonds may have been repaid or require to be repaid, but the Amount to be charged upon the Revenues of *India* shall not in any Case exceed the Principal Money repaid or required to be repaid; and the Provisions of the said recited Act with reference to the Creation of the Capital Stock and Annuities created under the Authority of the said Act, and with reference to the Issue, Payment, and Transfer of the Capital Stock, Annuities, Bonds, and Debentures issued under the Authority of the said Act, shall be held to be in force and to apply to the Creation, Issue, Payment, and Transfer of the Capital Stock, Annuities, Bonds, and Debentures created and issued under the Authority of this Act.

Power to raise Money under Act 22 & 23 Vict. c. 39. extended to Repayment of East India Bonds.

LONDON:
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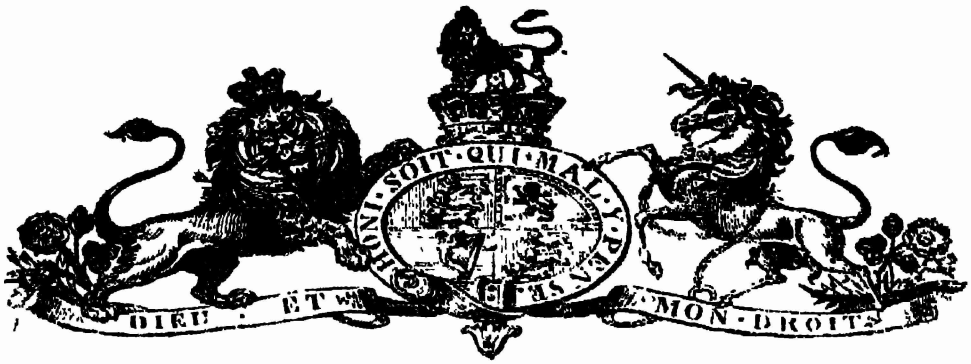
Printers to the Queen's most Excellent Majesty. 1860.



ANNO VICESIMO TERTIO

VICTORIÆ REGINÆ.

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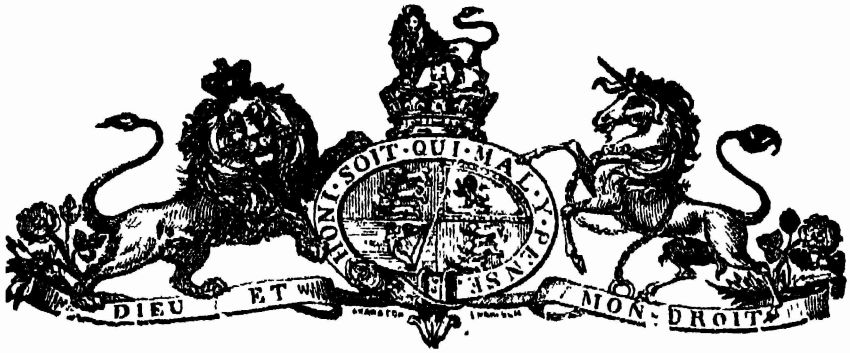
Packet Service (Transfer of Contracts).

Powers of the Commissioners of the Admiralty under Contracts in relation to the Packet Service transferred to the Postmaster General.

I. From and after the passing of this Act all the Interests, Rights, Powers, and Authorities at present existing in the said Commissioners, or which might hereafter upon any Contingencies or otherwise become vested in the said Commissioners or their Successors, under any Contracts entered into with the said Commissioners or any of their Predecessors in Office, or with any Person on their Behalf, by any Body Corporate, Company, or Person, for the Conveyance by Sea of Mails and Letters by Steam Boats or other Ships or Vessels, or otherwise in relation to the Packet Service, or under any Bond or other Security given for the due Execution of any such Contract, and also under any Bond or other Security entered into by any Agent, Officer, or other Person hitherto employed under the said Commissioners in relation to the Packet Service, or entered into by any Sureties, either for the due Execution of any such Contract, or for the due Execution of the Duty of any such Agent, Officer, or other Person employed as aforesaid, shall be transferred to and vested in the said Postmaster General for the Time being, and shall be acted on, enforced, and carried into effect by such Postmaster General in the same Manner as if he had been contracted with and named in all such Contracts, Bonds, and Securities respectively instead of the said Commissioners; and all the Orders and Directions of the said Postmaster General shall be as fully observed, obeyed, and performed by the Contractors, and by the said Agents and Officers respectively, as if the same had proceeded from and been issued and given by the said Commissioners, and their Powers in relation to the Packet Service had remained in full Force.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1860.



ANNO VICESIMO TERTIO

VICTORIÆ REGINÆ.

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CAP. VII.

An Act to amend the Medical Acts.

[23d *March* 1860.]

WHEREAS by an Act passed in the Twenty-first and Twenty-second Years of the Reign of Her Majesty, Chapter Ninety, intituled "The Medical Act," Provision is made for the Registration of Members of the Medical Profession, and the said Act was amended by an Act passed in the Twenty-second Year of the Reign of Her Majesty, Chapter Twenty-one; and certain Disabilities are imposed by the said Acts, after a Period mentioned therein, on Members of that Profession who are not then registered: And whereas it is expedient that the said recited Acts should be amended as herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

21 & 22 Vict. c. 90.

22 Vict. c. 21.

I. From and after the passing of this Act the Diploma or Licence in Surgery, granted by any University of that Part of the United Kingdom called *Ireland*, legally authorized to grant the same, shall be considered a sufficient Qualification to practise under the said first-recited Act, and every Person to whom such Diploma or Licence has been granted shall be entitled to be registered under the Provisions of the said first-recited Act, in the like

Licentiates in Surgery of any University in Ireland entitled to be registered under first-recited Act in like

Manner as Masters in Surgery.

like Manner, and with the like Effect, and subject to the like Provisions as are prescribed by the said first-recited Act in respect of the Registration of any Master in Surgery of any University of the United Kingdom.

Certain Powers given to Medical Council extended to this Act.

II. The Powers given to the Medical Council in the said first-recited Act with respect to the Studies and Examinations required for obtaining a Qualification under the said Act shall be extended to the Studies and Examinations required for a Qualification under this Act.

1st Jan. 1861 to be substituted in Sections 32. 34. 36. and 37. of first-recited Act, for 1st July 1859, so far as relates to Persons authorized to be registered under this Act.

III. The First Day of *January* One thousand eight hundred and sixty-one shall be deemed to be substituted in Sections Thirty-two, Thirty-four, Thirty-six, and Thirty-seven respectively of the said first-recited Act, as the same are amended by the said second-recited Act, for the First Day of *July* One thousand eight hundred and fifty-nine, so far as the same relate to any Person authorized to be registered under this Act; and the said several Sections, as so amended, and all the Provisions of the said Act having reference thereto, shall, with respect to any such Person so authorized to be registered under this Act, be construed and take effect as if the Words "the First Day of *January* One thousand eight hundred and sixty-one" had been originally inserted in each of the said Sections instead of the Words "the First Day of *July* One thousand eight hundred and fifty-nine."

No Person authorized to be registered under this Act disqualified to hold certain Offices, unless he has failed to be registered.

IV. No Person authorized to be registered under this Act who shall be acting as Medical Officer under an Order of the Poor Law Commissioners, or Poor Law Board, shall by reason of the said recited Acts, or either of them, be or be deemed to have been disqualified to hold such Office, or any Appointment mentioned in Section Thirty-six of the said first-recited Act, unless he shall have failed to be registered on or before the First Day of *January* One thousand eight hundred and sixty-one.

Recited Acts and this Act to be as one.

V. The said recited Acts and this Act shall be construed together as One Act.

Short Title.

VI. This Act may for all Purposes be cited as "The Medical Acts Amendment Act, 1860."

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1860.

ANNO VICESIMO TERTIO

VICTORIÆ REGINÆ.

CAP. VIII.

An Act to amend the Law relating to the unlawful administering of Poison. [23d *March* 1860.]

WHEREAS the present Law has been found insufficient to protect Persons from the unlawful administering of Poison, except in Cases where the Intent is to commit Murder: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. That whosoever shall unlawfully and maliciously administer to or cause to be administered to or taken by any other Person any Poison or other destructive or noxious Thing so as thereby to endanger the Life of such Person, or so as thereby to inflict upon such Person any grievous bodily Harm, shall be guilty of Felony, and being convicted thereof shall be liable to be sentenced to Penal Servitude for any Period not exceeding Ten Years and not less than Three Years, or to Imprisonment for any Term not more than Three Years, with or without Hard Labour, at the Discretion of the Court.

Any Person maliciously administering Poison, &c. with Intent to endanger Life or inflict grievous bodily Harm to be guilty of Felony.

II. Whosoever

Administering of Poison.

Any Person maliciously administering Poison, &c. with Intent to injure, aggrieve, or annoy any other Person, to be guilty of a Misdemeanor.

II. Whosoever shall unlawfully and maliciously administer to or cause to be administered to or taken by any other Person any Poison or other destructive or noxious Thing with Intent to injure, aggrieve, or annoy such Person, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable to be sentenced to Imprisonment for any Period not exceeding Three Years, with or without Hard Labour, at the Discretion of the Court, and the Costs and Expenses of the Prosecution of any such Misdemeanor may be allowed by the Court as in Cases of Felony.

If the Jury be not satisfied that any Person charged is guilty of Felony, but guilty of Misdemeanor, they may find him guilty accordingly.

III. If, upon the Trial of any Person charged with the Felony above mentioned, the Jury shall not be satisfied that such Person is guilty thereof, but shall be satisfied that he is guilty of the Misdemeanor above mentioned, then and in every such Case the Jury may acquit the Accused of such Felony, and find him guilty of such Misdemeanor, and thereupon the Delinquent shall be liable to be punished in the same Manner as if convicted upon an Indictment for the Misdemeanor.

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ANNO VICESIMO TERTIO

VICTORIÆ REGINÆ.

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of Crimes and Offences to the Prejudice of good Order and Military Discipline, be brought to a more exemplary and speedy Punishment than the usual Forms of the Law will allow: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Articles of War made by Her Majesty to be judicially taken notice of, and Copies printed by the Queen's Printer to be transmitted to Judges, &c.

I. It shall be lawful for Her Majesty to make Articles of War for the better Government of Her Majesty's Army, which Articles shall be judicially taken notice of by all Judges and in all Courts whatsoever; and Copies of the same, printed by the Queen's Printer, shall, as soon as may be after the same shall have been made and established by Her Majesty, be transmitted by Her Majesty's Secretary-at-War to the Judges of Her Majesty's Superior Courts at *Westminster*, *Dublin*, and *Edinburgh* respectively, and also to the Governors of Her Majesty's Dominions abroad; provided that no Person within the United Kingdom of *Great Britain* and *Ireland*, or within the *British Isles*, shall by such Articles of War be subject to suffer any Punishment extending to Life or Limb, or to be kept in Penal Servitude, except for Crimes which are by this Act expressly made liable to such Punishments as aforesaid, or shall be subject, with reference to any Crimes made punishable by this Act, to be punished in any Manner which shall not accord with the Provisions of this Act.

Persons subject to this Act.

II. All the Provisions of this Act shall apply to all Persons who are or shall be commissioned or in Pay as an Officer, or who are or shall be listed or in Pay as a Non-commissioned Officer or Soldier, other than Officers and Soldiers belonging to Her Majesty's *Indian* Forces, and to all Persons employed on the Recruiting Service receiving Pay in respect of such Service, and to the Officers and Soldiers belonging to Her Majesty's *Indian* Forces, while such Officers or Soldiers shall be in any Part of the United Kingdom, and to Persons who are or shall be hired to be employed in the Royal Artillery and Military Store Department, and to Master Gunners, and to Conductors of Stores, and to the Corps of Royal Military Surveyors and Draftsmen, and to all Officers and Persons who are or shall be serving on the Commissariat Staff or in the Commissariat Staff Corps, and to Persons in the War Department, who are or shall be serving with any Part of Her Majesty's Army at home or abroad, under the Command of any Commissioned Officer, and (subject to and in accordance with the Provisions of an Act passed in the Sixth and Seventh Years of the Reign of Her present Majesty, Chapter Ninety-five), to any Out-pensioners of the Royal Hospital, *Chelsea*, who may be called out on Duty in aid

aid of the Civil Power, or for Muster or Inspection, or who having volunteered their Services for that Purpose shall be kept on Duty in any Fort, Town, or Garrison, and to all Storekeepers and other Civil Officers who are or shall be employed by or act under the Secretary of State for War at any of Her Majesty's Establishments in the Islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Man*, and the Islands thereto belonging, or at Foreign Stations; provided that nothing in this Act contained shall extend to affect any Security which has been or shall be given by any Storekeeper, Barrack Master, or other Officer, or their Sureties, for the due Performance of their respective Offices, but that all such Securities shall be and remain in full Force and Effect.

Provisions of this Act to extend to Jersey, Guernsey, &c.

III. This Act shall extend to the Islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Man*, and the Islands thereto belonging, as to the Provisions herein contained for enlisting of Recruits, whether Minors or of full Age, and swearing and attesting such Recruits, and for mustering and paying, and as to the Provisions for the Trial and Punishment of Officers and Soldiers who shall be charged with Mutiny and Desertion, or any other of the Offences which are by this Act declared to be punishable by the Sentence of a Court-martial, and also as to the Provisions which relate to the Punishment of Persons who shall conceal Deserters, or shall knowingly buy, exchange, or otherwise receive any Arms, Medals for good Conduct or for distinguished or other Service, Clothes, Military Furniture, or Regimental Necessaries from any Soldier or Deserter, or who shall cause the Colour of any such Clothes to be changed, or who shall aid in the Escape of a Prisoner from a Military Prison, or who shall introduce forbidden Articles into such Prison, or shall carry out any such Articles, or who shall assault any Officer of such Prison, and also as to the Provisions for exempting Soldiers from being taken out of Her Majesty's Service for not supporting or for leaving chargeable to any Parish any Wife or Child or Children, or on account of any Breach of Contract to serve or work for any Employer, or on account of any Debts under Thirty Pounds in the said Islands.

Colonial and Foreign Troops in Her Majesty's Pay to be subject to Provisions of this Act.

IV. All Officers and Soldiers of any Troops mustered and in Pay, which shall be raised and serving in any of Her Majesty's Dominions abroad, or in Places in possession of or occupied by Her Majesty's Subjects under the Command of any Officer having any Commission immediately from Her Majesty (other than Officers and Soldiers belonging to Her Majesty's *Indian* Forces when out of the United Kingdom) shall be subject to the Provisions of this Act and of Her Majesty's Articles of War, in like Manner as Her Majesty's other Forces are; and if such Officers and Soldiers, having been made Prisoners,

Prisoners, be sent into *Great Britain* or *Ireland*, although not allowed to serve therein, all the Provisions of this Act in regard to billeting Soldiers shall apply to such Officers and Soldiers.

Provision as to the Militia and Yeomanry Corps.

V. Nothing in this Act contained shall be construed to extend to any Militia Forces or Yeomanry or Volunteer Corps in *Great Britain* or *Ireland*, excepting only where by any Act for regulating any of the said Forces or Corps the Provisions contained in any Act for punishing Mutiny and Desertion are or shall be specifically made applicable to such Forces or Corps.

Power to constitute Courts-martial.

VI. For the Purpose of bringing Offenders against this Act and against the Articles of War to Justice, Her Majesty may from Time to Time, in like Manner as has been heretofore used, grant Commissions under the Royal Sign Manual for the holding of Courts-martial within the United Kingdom of *Great Britain* and *Ireland*, and may grant Commissions or Warrants under the said Royal Sign Manual to the Chief Governor or Governors of *Ireland*, the Commander of the Forces, or the Person or Persons commanding in chief, or commanding for the Time being, any Body of Troops belonging to Her Majesty's Army, as well within the United Kingdom of *Great Britain* and *Ireland* and the *British Isles*, as in any of Her Majesty's Garrisons and Dominions or elsewhere beyond Seas, for convening Courts-martial, and for authorizing any Officer under their respective Commands to convene Courts-martial, as Occasion may require, for the Trial of Offences committed by any of the Forces under the Command of any such last-mentioned Officer, whether the same shall have been committed before or after such Officer shall have taken upon him such Command: Provided that the Officer so authorized be not below the Degree of a Field Officer, except in detached Situations beyond Seas where a Field Officer is not in Command, in which Case a Captain may be authorized to convene District or Garrison Courts-martial.

Place where Offenders may be tried.

VII. Any Person subject to this Act who shall, in any Part of Her Majesty's Dominions or elsewhere, commit any of the Offences for which he may be liable to be tried by Court-martial by virtue of this Act or of the Articles of War, may be tried and punished for the same in any Part of Her Majesty's Dominions or in any other Place whereto he may have come or where he may be after the Commission of the Offence, as if the Offence had been committed where such Trial shall take place.

Powers of General Courts-martial.

VIII. Every General Court-martial convened within the United Kingdom or the *British Isles* shall consist of not less than Thirteen Commissioned Officers, and shall have Power to sentence any Officer

or

or Soldier to suffer Death, Penal Servitude, Imprisonment, Forfeiture of Pay or Pension, or any other Punishment which shall accord with the Usage of the Service; but no Judgment of Death by a Court-martial shall pass unless Two Thirds at least of the Officers present shall concur therein.

Powers of District or Garrison Courts-martial.

IX. Every District or Garrison Court-martial convened within the United Kingdom or the *British Isles* shall consist of not less than Seven Commissioned Officers, and shall have the same Power as a General Court-martial to sentence any Soldier to such Punishments as shall accord with the Provisions of this Act: Provided always, that no such District or Garrison Court-martial shall have Power to try a Commissioned Officer, or to pass any Sentence of Death or Penal Servitude.

Powers of Regimental or Detachment Courts-martial.

X. A Regimental or Detachment Court-martial shall consist of not less than Five Commissioned Officers, unless it is found to be impracticable to assemble that Number, in which Case Three shall be sufficient, and shall have Power to sentence any Soldier to Corporal Punishment, or to Imprisonment, and to Forfeiture of Pay, in such Manner as shall accord with the Provisions of this Act.

Courts-martial on Line of March or in Troop Ships &c.

XI. In Cases of Mutiny and gross Insubordination or other Offences committed on the Line of March, or on board any Transport Ship, Convict Ship, Merchant Vessel, or Troop Ship, not in Commission, the Offender may be tried by a Regimental or Detachment Court-martial, and the Sentence may be confirmed and carried into execution on the Spot by the Officer in the immediate Command of the Troops, provided that the Sentence shall not exceed that which a Regimental Court-martial is competent to award.

Powers of Detachment General Courts-martial.

XII. It shall be lawful for any Officer commanding any Detachment or Portion of Troops serving in any Place beyond Seas where it may be found impracticable to assemble a General Court-martial, upon Complaint made to him of any Offence committed against the Property or Person of any Inhabitant of or resident in any Country in which such Troops are so serving, by any Person serving with or belonging to Her Majesty's Armies, being under the immediate Command of any such Officer, to convene a Detachment General Court-martial, which shall consist of not less than Three Commissioned Officers, for the Purpose of trying any such Person; and every such Court-martial shall have the same Powers in regard to Sentence upon Offenders as are granted by this Act to General Courts-martial: Provided always, that no Sentence of any such Court-martial shall be executed until

the General commanding the Army of which such Detachment or Portion forms Part shall have approved and confirmed the same.

As to swearing and summoning of Witnesses.

XIII. All General and other Courts-martial shall administer an Oath to every Witness or other Person who shall be examined before such Court in any Matter relating to any Proceeding before the same; and every Person, as well Civil as Military, who may be required to give or produce Evidence before a Court-martial, shall, in the Case of General Courts-martial, be summoned by the Judge Advocate General, or his Deputy, or the Person officiating as Judge Advocate, and in the Case of all other Courts-martial by the President of the Court; and all Persons so summoned and attending as Witnesses before any Court-martial shall, during their necessary Attendance in or on such Courts, and in going to and returning from the same, be privileged from Arrest, and shall, if unduly arrested, be discharged by the Court out of which the Writ or Process issued by which such Witness was arrested, or if such Court be not sitting, then by any Judge of the Superior Courts of *Westminster* or *Dublin*, or of the Court of Session in *Scotland*, or of the Courts of Law in the *East* or *West Indies*, or elsewhere, according as the Case shall require, upon its being made to appear to such Court or Judge, by any Affidavit in a summary Way, that such Witness was arrested in going to or attending upon or returning from such Court-martial; and all Witnesses so duly summoned as aforesaid who shall not attend on such Courts, or attending shall refuse to be sworn, or being sworn shall refuse to give Evidence, or not produce the Documents under their Power or Control required to be produced by them, or to answer all such Questions as the Court may legally demand of them, shall be liable to be attached in the Court of Queen's Bench in *London* or *Dublin*, or in the Court of Session, or Sheriff or Stewart Courts in *Scotland*, or in Courts of Law in the *East* or *West Indies*, or in any of Her Majesty's Colonies, Garrisons, or Dominions, in *Europe* or elsewhere respectively, upon Complaint made, in like Manner as if such Witness, after having been duly summoned or subpœnaed, had neglected to attend upon a Trial in any Proceeding in the Court in which such Complaint shall be made: Provided always, that nothing in this Act contained shall be construed to render an Oath necessary in any Case where by Law a solemn Affirmation may be made instead thereof.

No Second Trial for the same Offence, but Revision may be allowed.

XIV. No Officer or Soldier, who shall be acquitted or convicted of any Offence, shall be liable to be tried a Second Time by the same or any other Court-martial for the same Offence; and no Finding, Opinion, or Sentence given by any Court-martial, and signed by the President thereof, shall be revised more than once, nor shall any additional

additional Evidence in respect of any Charge on which the Prisoner then stands arraigned be received by the Court on any Revision.

Crimes punishable with Death.

XV. If any Person subject to this Act shall at any Time during the Continuance of this Act begin, excite, cause, or join in any Mutiny or Sedition in any Forces belonging to Her Majesty's Army, or Her Majesty's *Indian* Army, or Her Majesty's Royal Marines, or shall not use his utmost Endeavours to suppress the same, or coming to the Knowledge of any Mutiny or intended Mutiny shall not, without Delay, give Information thereof to his Commanding Officer; or shall hold Correspondence with or give Advice or Intelligence to any Rebel or Enemy of Her Majesty, either by Letters, Messages, Signs, or Tokens, in any Manner or Way whatsoever; or shall treat or enter into any Terms with such Rebel or Enemy without Her Majesty's Licence or Licence of the General or Chief Commander; or shall misbehave himself before the Enemy; or shall shamefully abandon or deliver up any Garrison, Fortress, Post, or Guard committed to his Charge, or which he shall have been commanded to defend; or shall compel the Governor or Commanding Officer of any Garrison, Fortress, or Post to deliver up to the Enemy or to abandon the same; or shall speak Words or use any other Means to induce such Governor or Commanding Officer, or others, to misbehave before the Enemy, or shamefully to abandon or deliver up any Garrison, Fortress, Post, or Guard committed to their respective Charge, or which he or they shall be commanded to defend; or shall desert Her Majesty's Service; or shall leave his Post before being regularly relieved; or shall sleep on his Post; or shall strike or shall use or offer any Violence against his Superior Officer, being in the Execution of his Office, or shall disobey any lawful Command of his Superior Officer; or who being confined in a Military Prison shall offer any Violence against a Visitor or other his superior Military Officer, being in the Execution of his Office; all and every Person and Persons so offending in any of the Matters before mentioned, whether such Offence be committed within this Realm or in any other of Her Majesty's Dominions, or in Foreign Parts, upon Land or upon the Sea, shall suffer Death, or such other Punishment as by a Court-martial shall be awarded: Provided always, that any Non-commissioned Officer or Soldier attested for or in Pay in any Regiment or Corps, who shall, without having first obtained a regular Discharge therefrom, enlist himself in any other Regiment or Corps, may be deemed to have deserted Her Majesty's Service, and shall be liable to be punished accordingly.

Judgment of Death may be commuted

XVI. In all Cases where the Punishment of Death shall have been awarded by a General Court-martial or Detachment General Court-martial

for Penal Servitude or other Punishments.

martial it shall be lawful for Her Majesty, or, if in any Place out of the United Kingdom or *British Isles*, for the Officer commanding in chief Her Majesty's Forces there serving, instead of causing such Sentence to be carried into execution, to order the Offender to be kept in Penal Servitude for any Term not less than Four Years, or to suffer such Term of Imprisonment, with or without Hard Labour, and with or without Solitary Confinement, as shall seem meet to Her Majesty, or to the Officer commanding as aforesaid.

Embezzlement, &c. of Stores punishable by Penal Servitude.

XVII. Any Officer or Soldier of Her Majesty's Army, or any Person employed in the War Department, or in any way concerned in the Care or Distribution of any Money, Provisions, Forage, Arms, Clothing, Ammunition, or other Stores belonging to Her Majesty's Army or for Her Majesty's Use, who shall embezzle, fraudulently misapply, wilfully damage, steal, or receive the same knowing them to have been stolen, or shall be concerned therein or connive thereat, may be tried for the same by a General Court-martial, and sentenced to be kept in Penal Servitude for any Term not less than Four Years, or to suffer such Punishment of Fine, Imprisonment, Dismissal from Her Majesty's Service, Reduction to the Ranks if a Warrant or Non-commissioned Officer, as such Court shall think fit, according to the Nature and Degree of the Offence; and every such Offender shall, in addition to any other Punishment, make good at his own Expense the Loss and Damage sustained, and in every such Case the Court is required to ascertain by Evidence the Amount of such Loss or Damage, and to declare by their Sentence that such Amount shall be made good by such Offender; and the Loss and Damage so ascertained as aforesaid shall be a Debt to Her Majesty, and may be recovered in any of Her Majesty's Courts at *Westminster* or in *Dublin*, or the Court of Exchequer in *Scotland* or in any Court in Her Majesty's Colonies where the Person sentenced by such Court-martial shall be resident, after the said Judgment shall be confirmed and made known, or the Offender, if he shall remain in the Service, may be put under Stoppages not exceeding One Half of his Pay and Allowances until the Amount so ascertained shall be recovered.

As to Execution of Sentences of Penal Servitude in the United Kingdom.

XVIII. Whenever Her Majesty shall intend that any Sentence of Penal Servitude heretofore or hereafter passed upon any Offender by any Court-martial shall be carried into execution for the Term specified in such Sentence or for any shorter Term, or shall be graciously pleased to commute as aforesaid to Penal Servitude any Sentence of Death passed by any such Court, the Sentence, together with Her Majesty's Pleasure thereupon, shall be notified in Writing

Writing by the Officer commanding in chief Her Majesty's Army in *Great Britain* and *Ireland*, or in the temporary Absence of such Officer by the Adjutant General, or when there shall not be any Commander-in-Chief of Her Majesty's Army in *Great Britain* and *Ireland*, then by the Secretary-at-War or his Deputy, to any Judge of the Queen's Bench, Common Pleas, or Exchequer in *England* or *Ireland*, and thereupon such Judge shall make an Order for the Penal Servitude of such Offender in conformity with such Notification, and shall do all such other Acts consequent upon such Notification as such Judge is authorized to do by any Act in force touching the Penal Servitude of other Offenders; and the Person in whose Custody such Offender shall at that Time be, and all other Persons whatsoever whom the said Order may concern, shall be bound to obey and shall be assistant in the Execution thereof, and shall be liable to the same Punishment for Disobedience to or for interrupting the Execution of such Order as if the Order had been made under the Authority of any such Act as aforesaid; and every Person so ordered to be kept in Penal Servitude shall be subject to every Provision made by Law and in force concerning Persons under Sentence of Penal Servitude; and from the Time when such Order of Penal Servitude shall be made every Act in force touching the Escape of Felons, or their afterwards returning or being at large without Leave, shall apply to such Offender, and to all Persons aiding and abetting, contriving or assisting in any Escape or intended Escape or returning without Leave of any such Offender; and the Judge who shall make any Order of Penal Servitude as aforesaid shall direct the Notification of Her Majesty's Pleasure, and his own Order made thereupon, to be filed and kept of Record in the Office of the Clerk of the Crown of the Court of Queen's Bench; and the said Clerk shall have a Fee of Two Shillings and Sixpence only for filing the same, and shall, on Application, deliver a Certificate in Writing (not taking more than Two Shillings and Sixpence for the same) to such Offender or to any Person applying in his or Her Majesty's Behalf, showing the Christian and Surname of such Offender, his Offence, the Place where the Court was held before which he was convicted, and the Conditions on which the Order of Penal Servitude was made; which Certificate shall be sufficient Proof of the Conviction and Sentence of such Offender, and also of the Terms on which such Order for his Penal Servitude was made, in any Court and in any Proceeding wherein it may be necessary to inquire into the same.

XIX. Whenever any Sentence of Penal Servitude heretofore or hereafter passed upon any Offender by any Court-martial holden in the East Indies, or in any other Part of Her Majesty's Foreign Dominions, **As to Execution of Sentences of Penal Servitude in the Colonies.**

Dominions, or elsewhere beyond the Seas, is to be carried into execution for the Term specified in such Sentence or for any shorter Term, or when Sentence of Death passed by any such Court-martial has been or shall as aforesaid be commuted to Penal Servitude, the same shall be notified by the Officer commanding Her Majesty's Forces at the Presidency or Station where the Offender may come or be, or in his Absence by the Adjutant General for the Time being, to some Judge of One of the Supreme Courts of Judicature in the *East Indies*, or the Chief Justice, or some other Judge, as the Case may be, in any Part of Her Majesty's Foreign Dominions, who shall make Order for the Penal Servitude or intermediate Custody of such Offender; and upon any such Order being made it shall be duly notified to the Governor of the Presidency if in the *East Indies*, or to the Governor of the Colony if in any of Her Majesty's Colonies, or to the Person who shall for the Time being be exercising the Office of Governor of such Presidency or Colony, who, on Receipt of such Notification, shall cause such Offender to be removed or sent to some other Colony or Place, or to undergo his Sentence within the Presidency or Colony where the Offender was so sentenced, or where he may come or be as aforesaid, in obedience to the Directions for the Removal and Treatment of Convicts which shall from Time to Time be transmitted from Her Majesty through One of Her Principal Secretaries of State to such Presidency or Colony; and such Offender shall according to such Directions undergo the Sentence of Penal Servitude which shall have been passed upon him either in the Presidency or Colony in which he has been so sentenced, or in the Colony or Place to which he has been so removed or sent, and whilst such Sentence shall remain in force shall be liable to be imprisoned, and kept to Hard Labour, and otherwise dealt with under such Sentence in the same Manner as if he had been sentenced to be imprisoned, with Hard Labour, during the Term of his Penal Servitude, by the Judgment of a Court of competent Jurisdiction in such Presidency or Colony, or in the Colony or Place to which he has been so removed or sent respectively.

A Sentence of Penal Servitude may be commuted for Imprisonment.

XX. In any Case where a Sentence of Penal Servitude shall have been awarded by a General or Detachment General Court-martial it shall be lawful for Her Majesty, or, if in any Place out of the United Kingdom or *British Isles*, for the Officer commanding in chief Her Majesty's Forces there serving, instead of causing such Sentence to be carried into execution, to order that the Offender be imprisoned, with or without Hard Labour, and with or without Solitary Confinement, for the same or such lesser Term as shall seem meet to Her Majesty, or to the Officers commanding as aforesaid.

XXI. Where

Mutiny.

XXI. Where an Award of any Forfeiture, or of Deprivation of Pay, or of Stoppages of Pay, shall have been added to any Sentence of Penal Servitude, it shall be lawful for Her Majesty, or, if in any Place out of the United Kingdom or *British Isles*, for the Officer commanding in chief Her Majesty's Forces there serving, in the event of the Sentence being commuted for Imprisonment, to order such Award of Forfeiture, Deprivation of Pay, or Stoppages of Pay to be enforced, mitigated, or remitted, as may be deemed expedient.

Of Forfeitures, when combined with Penal Servitude.

XXII. Any Court-martial may sentence any Soldier to Corporal Punishment not extending to Life or Limb for Desertion, or for disgraceful Conduct, Misbehaviour, or Neglect of Duty, but no Sentence of Corporal Punishment awarded by a Regimental Court-martial shall, except in the Case of Mutiny or gross Insubordination herein-before mentioned, be put in execution in Time of Peace without the Leave in Writing of the General or other Officer commanding the District or Station in which the Court may be held; and no Sentence of Corporal Punishment shall exceed Fifty Lashes.

Power to inflict Corporal Punishment.

XXIII. It shall be lawful for any General, District, or Garrison Court-martial, in addition to any Sentence of Corporal Punishment, to award Imprisonment, with or without Hard Labour, and with or without Solitary Confinement, such Confinement not exceeding the Periods prescribed by the Articles of War.

Power to inflict Corporal Punishment and Imprisonment.

XXIV. In all Cases in which Corporal Punishment shall form the whole or Part of the Sentence awarded by any Court-martial it shall be lawful for Her Majesty, or for the General or other Officer authorized to confirm the Sentences of Courts-martial, to commute such Corporal Punishment to Imprisonment, for any Period not exceeding Forty-two Days, with or without Hard Labour, and with or without Solitary Confinement, or to mitigate such Sentence, or instead of such Sentence to award Imprisonment for any Period not exceeding Twenty Days, with or without Hard Labour, and with or without Solitary Confinement and Corporal Punishment, to be inflicted in the Prison, not exceeding Twenty-five Lashes, and the Solitary Confinement herein-before mentioned shall in no Case exceed Seven Days at a Time, with Intervals of not less than Seven Days between each Period of such Confinement.

Power to commute Corporal Punishment for Imprisonment, &c.

XXV. It shall be lawful for Her Majesty in all Cases whatsoever, instead of causing a Sentence of Cashiering to be put in execution, to order the Offender to be reprimanded, or, in addition thereto, to suffer such Loss of Army or Regimental Rank, or both, as may be deemed expedient.

Power to commute a Sentence of Cashiering.

XXVI. On

Mutiny.

Marking Deserters.

XXVI. On the first and on every subsequent Conviction for Desertion the Court-martial, in addition to any other Punishment, may order the Offender to be marked Two Inches below and One Inch in rear of the Nipple of the Left Breast with the Letter D, such Letter not to be less than an Inch long, and to be marked upon the Skin with some Ink or Gunpowder, or other Preparation, so as to be clearly seen, and not liable to be obliterated.

Power of Imprisonment by different Kinds of Courts-martial

XXVII. A General, Garrison, or District Court-martial may sentence any Soldier to Imprisonment, with or without Hard Labour, and with or without Solitary Confinement, but such Solitary Confinement shall not exceed the Periods prescribed by the Articles of War; and any Regimental or Detachment Court-martial may sentence any Soldier to Imprisonment, with or without Hard Labour, for any Period not exceeding Forty-two Days, and with or without Solitary Confinement not exceeding the Periods prescribed by the Articles of War.

As to Imprisonment of Offenders already under Sentence for previous Offences.

XXVIII. Whenever Sentence shall be passed by a Court-martial on an Offender already under Sentence either of Imprisonment or of Penal Servitude, the Court may award a Sentence of Imprisonment or Penal Servitude, for the Offence for which he is under Trial, to commence at the Expiration of the Imprisonment or Penal Servitude to which he shall have been so previously sentenced, although the aggregate of the Terms of Imprisonment or Penal Servitude respectively may exceed the Term for which any of those Punishments could be otherwise awarded.

Regulations as to Military Prisons.

XXIX. It shall be lawful for the Secretary-at-War to set apart any Buildings now erected or which may hereafter be erected, or any Part or Parts thereof, as Military Prisons, and to declare that any Building or any Two or more Buildings shall be, and thenceforth such Building or Buildings shall be deemed and taken to be, a Military Prison; and every Military Prison which, under the Provisions of any former Act of Parliament, has been or which shall be so as aforesaid set apart and declared, shall be deemed to be a public Prison within the Meaning of this Act; and all and every the Powers and Authorities with respect to County Gaols or Houses of Correction which now are or which may hereafter be vested in any of Her Majesty's Principal Secretaries of State shall, with respect to all such Military Prisons, belong to and may be exercised by the Secretary-at-War; and it shall be lawful for the Secretary-at-War from Time to Time to make, alter, and repeal Rules and Regulations for the Government and Superintendence of any such Military Prison, and of the Governor, Provost Marshal, Officers,

Officers, and Servants thereof, and of the Offenders confined therein; and it shall be lawful for the Secretary-at-War from Time to Time to appoint an Inspector General and Inspectors of Military Prisons, and a Governor, or Provost Marshal, and all other necessary Officers and Servants for any such Military Prison, and, as Occasion may arise, to remove the Governor or Provost Marshal, Officer or Servant of any such Military Prison; and the General or other Officer commanding any District or Foreign Station within which may be any such Military Prison, or such General or other Officer, and such other Person or Persons as the Secretary-at-War may from Time to Time appoint, shall be a Visitor or Visitors of such Prison; and the Secretary-at-War may authorize any General Officer commanding on a Foreign Station to appoint periodically Visitors to any Military Prison within his Command; and the Secretary-at-War shall transmit to the Visitor or Visitors of every Military Prison established by his Authority a Copy of the Rules and Regulations which are to be observed and enforced, and the same shall accordingly be observed and enforced, within such Prison; and every Inspector, Visitor, and Governor of any such Military Prison shall, subject to such Rules and Regulations as may from Time to Time be made by the Secretary-at-War, have and exercise in respect of such Prison, and of the Governor, Officers, and Servants thereof, and of the Prisoners confined therein, all the Powers and Authorities, as well in respect of administering Oaths as otherwise, which any Inspector, Visiting Justice, or Governor of a County Gaol or House of Correction may respectively exercise as such.

As to the Custody of Prisoners under Military Sentence in Common Gaols.

XXX. Every Governor, Provost Marshal, Gaoler, or Keeper of any public Prison or of any Gaol or House of Correction in any Part of Her Majesty's Dominions shall receive into his Custody any Military Offender under Sentence of Imprisonment by a Court-martial, upon Delivery to him of an Order in Writing in that Behalf from the Officer commanding the Regiment or Corps to which the Offender belongs or is attached, which Order shall specify the Period of Imprisonment which the Offender is to undergo, and the Day and Hour of the Day on which he is to be released; and such Governor, Provost Marshal, Gaoler, or Keeper shall keep such Offender in a proper Place of Confinement, with or without Hard Labour, and with or without Solitary Confinement, according to the Sentence of the Court and during the Time specified in the said Order, or until he be discharged or delivered over to Military Custody before the Expiration of that Time under an Order duly made for that Purpose; and whenever Troops are called out in aid of the Civil Power, or are stationed in Billets, or are on the Line of March, every Governor, Provost Marshal, Gaoler, or

Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement, shall receive into his Custody any Soldier for a Period not exceeding Seven Days, upon Delivery to him of an Order in Writing on that Behalf from the Officer commanding such Troops.

Proviso for Removal of Prisoners.

XXXI. In the Case of a Prisoner undergoing Imprisonment under the Sentence of a Court-martial in any public Prison other than the Military Prisons set apart by the Authority of this Act, or in any Gaol or House of Correction in any Part of Her Majesty's Dominions, it shall be lawful for the Officer who confirmed the Proceedings of the Court, or for the Officer commanding the District, Garrison, Island, or Colony, to give, as often as Occasion may arise, an Order in Writing directing that the Prisoner be discharged, or be delivered over to Military Custody, whether for the Purpose of being removed to some other Prison or Place, there to undergo the Remainder or any Part of his Sentence, or for the Purpose of being brought before a Court-martial either as a Witness or for Trial; and such Prisoner shall accordingly, on the Production of such Order, be discharged or be delivered over, as the Case may be: Provided also, that the Time during which any Prisoner under Sentence of Imprisonment by a Court-martial shall be detained in Military Custody shall be reckoned as Imprisonment under the Sentence, for whatever Purpose such Detention shall take place.

Provision for Subsistence of Soldiers when imprisoned in Common Gaols.

XXXII. The Gaoler or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement in any Part of Her Majesty's Dominions, shall diet and supply every Soldier imprisoned therein under the Sentence of a Court-martial or as a Deserter with Fuel and other Necessaries according to the Regulations of such Place of Confinement, and shall receive on account of every Soldier, during the Period of his Imprisonment, in *Great Britain* and *Ireland* One Shilling *per Diem*, and in other Parts of Her Majesty's Dominions Sixpence *per Diem*, which the Secretary-at-War shall cause to be issued out of the Subsistence of such Soldier, upon Application in Writing signed by any Justice within whose Jurisdiction such Place of Confinement shall be locally situated, together with a Copy of the Order of Commitment, and which Sum of One Shilling or of Sixpence *per Diem*, as the Case may be, shall be carried to the Credit of the Fund from which the Expense of such Place of Confinement is defrayed.

Expiration of Imprisonment of

XXXIII. Every Gaoler or Keeper of any public Prison, Gaol, House of Correction, or other Place of Confinement, to whom any Notice

Notice shall have been given, or who shall have Reason to know or believe, that any Person in his Custody for any Offence, Civil or Military, is a Soldier liable to serve Her Majesty on the Expiration of his Imprisonment, shall give, if in *Great Britain* to the Secretary-at-War, and if in *Ireland* to the General commanding Her Majesty's Forces in *Ireland*, One Month's Notice of the Period of such Expiration of Imprisonment, or if there shall not be sufficient Time for a Month's Notice then the longest practicable Notice thereof.

Soldiers in Common Gaols.

XXXIV. Upon reasonable Suspicion that a Person is a Deserter it shall be lawful for any Constable, or if no Constable can be immediately met with, then for any Officer or Soldier in Her Majesty's Service, or other Person, to apprehend or cause to be apprehended such suspected Person, and forthwith to bring him or cause him to be brought before any Justice living in or near the Place where he was so apprehended and acting for the County or Borough wherein such Place is situate or for the County adjoining such first-mentioned County or such Borough; and such Justice is hereby authorized and required to inquire whether such suspected Person is a Deserter, and from Time to Time to defer the said Inquiry and to remand the said suspected Person in the Manner prescribed by an Act passed in the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter Forty-two, Section Twenty-one, and subject to every Provision therein contained, and if it shall appear to the Satisfaction of such Justice by the Testimony of One or more Witnesses, taken upon Oath, or by the Confession of such suspected Person, confirmed by some corroborative Evidence upon Oath or by the Knowledge of such Justice, that such suspected Person is a Deserter, such Justice shall forthwith cause him to be conveyed in civil Custody to the Head Quarters or Depôt of the Regiment or Corps to which he belongs, if stationed within a convenient and easily accessible Distance from the Place of Commitment, or if not so stationed then to the nearest or most convenient public Prison (other than a Military Prison set apart under the Authority of this Act) or Police Station legally provided as a Lock-up House for temporary Confinement of Persons taken into Custody, whether such Prison or Police Station be in the County or Borough in which such suspected Person was apprehended or in which he was committed, or not; or if the Deserter has been apprehended by a Party of Soldiers of his own Regiment or Corps in charge of a Commissioned Officer, such Justice may deliver him up to such Party, unless the Officer shall deem it necessary to have the Deserter committed to Prison for safe Custody; and such Justice shall transmit an Account of the Proceedings, in the Form prescribed in the Schedule annexed to this Act, to the Secretary-

Apprehension of Deserters in the United Kingdom.

Secretary-at-War, specifying therein whether such Deserter was delivered to his Regiment or Corps, or to the Party of his Regiment or Corps, in order to his being taken to the Head Quarters or Depôt of his Regiment or Corps, or whether such Deserter was committed to Prison, to the end that the Person so committed may be removed by an Order from the Office of the said Secretary-at-War, and proceeded against according to Law; and such Justice shall also send to the Secretary-at-War a Report stating the Names of the Persons by whom or by or through whose Means the Deserter was apprehended and secured; and the Secretary-at-War shall transmit to such Justice an Order for the Payment to such Persons of such Sum not exceeding Forty Shillings as the Secretary-at-War shall be satisfied they are entitled to according to the true Intent and Meaning of this Act; and for such Information, Commitment, and Report as aforesaid the Clerk of the said Justice shall be entitled to a Fee of Two Shillings and no more; and every Gaoler and other Person into whose Custody any Person charged with Desertion is committed shall immediately upon the Receipt of the Person so charged into his Custody pay such Fee of Two Shillings, and also upon the Production of a Receipt from the Medical Practitioner who, in the Absence of a Military Medical Officer, may have been required to examine such suspected Person, a Fee of Two Shillings and Sixpence, and shall notify the Fact to the Secretary-at-War, and transmit also to the Secretary-at-War a Copy of the Commitment, to the end that such Secretary-at-War may order Repayment of such Fees; and when any such Person shall be apprehended and committed as a Deserter in any Part of Her Majesty's Foreign Dominions the Justice shall forthwith cause him to be conveyed to some public Prison, if the Regiment or Corps to which he is suspected to belong shall not be in such Part, or, if the Regiment or Corps be in such Part, the Justice may deliver him into Custody at the nearest Military Post if within reasonable Distance, although the Regiment to which such Person is suspected to belong may not be stationed at such Military Post; and such Justice shall in every Case transmit to the General or other Officer commanding a Descriptive Return in the Form prescribed in the Schedule to this Act annexed, to the end that such Person may be removed by Order of such Officer, and proceeded against according to Law.

In Her Majesty's Foreign Dominions.

As to the temporary Custody of Deserters in Gaols.

XXXV. Every Gaoler or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement in any Part of Her Majesty's Dominions, is hereby required to receive and confine therein every Deserter who shall be delivered into his Custody by any Soldier or other Person conveying such Deserter under

under lawful Authority, on Production of the Warrant of the Justice of the Peace on which such Deserter shall have been taken, or some Order from the Office of the Secretary-at-War, which Order shall continue in force until the Deserter shall have arrived at his Destination; and such Gaoler or Keeper shall be entitled to One Shilling for the safe Custody of the said Deserter while halted on the March, and to such Subsistence for his Maintenance as shall be directed by Her Majesty's Regulations.

Desertion of Recruits prior to joining their Regiments or Corps.

XXXVI. Any Recruit for Her Majesty's Army who shall desert before joining the Regiment or Corps for which he has enlisted shall, on being apprehended, and committed for such Desertion by any Justice of the Peace upon the Testimony of One or more Witnesses upon Oath, or upon his own Confession, be liable to be transferred to any Regiment or Corps or Depôt nearest to the Place where he shall have been apprehended, or to any other Regiment or Corps to which Her Majesty may deem it more desirable that he should be transferred: Provided always, that such Deserters thus transferred shall not be liable to other Punishment for the Offence, or to any other Penalty except the Forfeiture of their personal Bounty.

Furlough in case of Sickness.

XXXVII. When there shall not be any Military Officer of Rank not inferior to Captain, or any Adjutant of Regular Militia, within convenient Distance of the Place where any Non-commissioned Officer or Soldier on Furlough shall be detained by Sickness or other Casualty rendering necessary any Extension of such Furlough, it shall be lawful for any Justice who shall be satisfied of such Necessity to grant an Extension of Furlough for a Period not exceeding One Month; and the said Justice shall by Letter immediately certify such Extension and the Cause thereof to the Commanding Officer of the Corps or Detachment to which such Non-commissioned Officer or Soldier belongs, if known, and if not then to the Agent of the Regiment or Corps, in order that the proper Sum may be remitted to such Non-commissioned Officer or Soldier, who shall not during the Period of such Extension of Furlough be liable to be treated as a Deserter: Provided always, that nothing herein contained shall be construed to exempt any Soldier from Trial and Punishment, according to the Provisions of this Act, for any false Representation made by him in that Behalf to the said Justice, or for any Breach of Discipline committed by him in applying for and obtaining the said Extension of Furlough.

No Person acquitted or convicted by the Civil Magistrate or by a Jury

XXXVIII. No Person subject to this Act, having been acquitted or convicted of any Crime or Offence by the Civil Magistrate, or by the Verdict of a Jury, shall be liable to be again convicted for the same Crime or Offence by a Court-martial, or to be punished for the

to be tried by a Court-martial for the same Offence.

same otherwise than by cashiering in the Case of a Commissioned Officer, or in the Case of a Warrant Officer by Reduction to an inferior Class or to the Rank of a Private Soldier by Order of the Commander-in-Chief, or in the Case of a Non-commissioned Officer by Reduction to the Ranks by Order of the Commander-in-Chief or of the Colonel, or in the Militia by Order of the appointed Commandant of the Regiment or Corps; and whenever any Officer or Soldier shall have been tried by any Court of ordinary Criminal Jurisdiction, the Clerk of such Court or other Officer having the Custody of the Records of such Court, or the Deputy of such Clerk, shall, if required by the Officer commanding the Regiment or Corps to which such Officer or Soldier shall belong, transmit to him a Certificate, setting forth the Offence of which the Prisoner was convicted, together with the Judgment of the Court thereon if such Officer or Soldier shall have been convicted, or of the Acquittal of such Officer or Soldier, and shall be allowed for such Certificate a Fee of Three Shillings.

Soldiers liable to be taken out of Her Majesty's Service only for Felony, Misdemeanor, or for Debts amounting to 30*l.* and upwards.

XXXIX. Any Person attested for Her Majesty's Army or Her Majesty's *Indian* Army, or serving on the permanent Staff of the Disembodied Militia other than as a Commissioned Officer, shall be liable to be taken out of Her Majesty's Service only by Process or Execution on account of any Charge of Felony or of Misdemeanor, or of any Crime or Offence other than the Misdemeanor of refusing to comply with an Order of Justices for the Payment of Money, or on account of an original Debt proved by Affidavit of the Plaintiff or of some one on his Behalf to amount to the Value of Thirty Pounds at the least, over and above all Costs of Suit, such Affidavit to be sworn, without Payment of any Fee, before some Judge of the Court out of which Process or Execution shall issue, or before some Person authorized to take Affidavits in such Court, of which Affidavit, when duly filed in such Court, a Memorandum shall, without Fee, be endorsed upon the Back of such Process, stating the Facts sworn to, and the Day of filing such Affidavit; but no Soldier or other Person as aforesaid shall be liable by any Process whatever to appear before any Justice of the Peace or other Authority whatever, or to be taken out of Her Majesty's Service by any Writ, Summons, Warrant, Order, Judgment, Execution, or any Process whatsoever issued by or by the Authority of any Court of Law, or any Magistrate, Justice or Justices of the Peace, or any other Authority whatsoever, for any original Debt not amounting to Thirty Pounds, or for not supporting or maintaining, or for not having supported or maintained, or for leaving or having left chargeable to any Parish, Township, or Place, or to the Common Fund of any Union, any Relation or Child which such Soldier or Person might, if not in Her Majesty's Service, be compellable by

Soldiers not liable to be taken out of Her Majesty's Service for Debts under 30*l.*, or for not maintaining their Families, or for Breach of Contract.

Law

Law to relieve or maintain, or for neglecting to pay to the Mother of any Bastard Child, or to any Person who may have been appointed to have the Custody of such Child, any Sum to be paid in pursuance of an Order on that Behalf, or for the Breach of any Contract, Covenant, Agreement, or other Engagement whatever, by Parol or in Writing, or for having left or deserted his Employer or Master, or his Contract, Work, or Labour, except in the Case of an Apprentice, or of an indentured Labourer, as herein-after described; and all Summonses, Warrants, Commitments, Indictments, Convictions, Judgments, and Sentences, on account of any of the Matters for which it is herein declared that a Soldier or other Person as aforesaid is not liable to be taken out of Her Majesty's Service, shall be utterly illegal, and null and void, to all Intents and Purposes; and any Judge of any such Court may examine into any Complaint made by a Soldier or by his Superior Officer, and by Warrant under his Hand discharge such Soldier, without Fee, he being shown to have been arrested contrary to the Intent of this Act, and shall award reasonable Costs to such Complainant, who shall have for the Recovery thereof the like Remedy as would have been applicable to the Recovery of any Costs which might have been awarded against the Complainant in any Judgment or Execution as aforesaid, or a Writ of Habeas corpus ad subjiciendum shall be awarded or issued, and the Discharge of any such Soldier out of Custody shall be ordered thereupon; provided that any Plaintiff, upon Notice of the Cause of Action first given in Writing to any Soldier, or left at his last Quarters, may proceed in any Action or Suit to Judgment, and have Execution other than against the Body or Military Necessaries or Equipments of such Soldier; provided also, that nothing herein contained relating to the leaving or deserting a Master or Employer, or to the Breach of any Contract, Agreement, or Engagement, shall apply to Persons who shall be really and *bonâ fide* Apprentices, duly bound, under the Age of Twenty-one Years, or to indentured Labourers, as herein-after prescribed.

Officers not to be Sheriffs or Mayors.

XL. No Person who shall be commissioned and in full Pay as an Officer shall be capable of being nominated or elected to be Sheriff of any County, Borough, or other Place, or to be Mayor, Portreeve, Alderman, or to hold any Office in any Municipal Corporation in any City, Borough, or Place in *Great Britain* or *Ireland*.

Questions to be put to Recruits on enlisting.

XLI. Every Person authorized to enlist Recruits shall first ask the Person offering to enlist, whether he belongs to the Militia, and also such other Questions as the Military Authorities may direct to be put to Recruits, and shall immediately after giving him Enlisting Money serve him with a Notice in the Form set forth in the Schedule to this Act annexed.

XLII. Every

Recruits, when deemed to be enlisted.

XLII. Every Person who shall receive Enlisting Money in manner aforesaid, knowing it to be such, shall upon such Receipt be deemed to be enlisted as a Soldier in Her Majesty's Service, and while he shall remain with the Recruiting Party shall be entitled to be billeted.

When Recruits to be taken before a Justice.

XLIII. Every Person so enlisted as aforesaid shall within Ninety-six Hours (any intervening *Sunday*, *Christmas Day*, or *Good Friday* not included), but not sooner than Twenty-four Hours after such Enlistment, appear, together with some Person employed in the Recruiting Service, before a Justice of the Peace, not being an Officer of the Army, in order that he may be attested by making the Declaration and taking the Oath herein-after mentioned, or may have an Opportunity of objecting to his Enlistment; and previously to or upon such Appearance, the Justice or some Person deputed by him shall fill up the Declaration set forth in the Schedule to this Act annexed, first asking the Recruit the Questions required to be put to Recruits, and cautioning him that if he should make any wilfully false Answer thereto, he will be liable to be punished as a Rogue and Vagabond.

Dissent and Relief from Enlistment.

XLIV. When a Recruit upon appearing before a Justice for the Purposes aforesaid shall dissent from or object to his Enlistment, and shall satisfy the Justice that the same was effected in any respect irregularly, he shall forthwith discharge the Recruit absolutely, and shall report such Discharge to the Inspecting Field Officer of the District, or in the Case of a Recruit enlisted at the Head Quarters or Depôt of a Regiment to the Officer commanding the same; but if the Recruit so dissenting shall not allege or shall not satisfy the Justice that the Enlistment was effected irregularly, nevertheless, upon Repayment of the Enlisting Money, and of any Sum received by him in respect of Pay, and of a further Sum of Twenty Shillings as Smart Money, he will be entitled to be discharged, and the Sum paid by such Recruit upon his Discharge shall be kept by the Justice, and, after deducting therefrom One Shilling as the Fee for reporting the Payment to the Secretary of State for War and to the Inspecting Field Officer of the District, shall be paid to any Person belonging to the Recruiting Party who may demand the same; and the Justice who shall discharge any Recruit shall in every Case give a Certificate thereof, signed with his Hand, to the Recruit, specifying the Cause thereof.

Attesting of Recruits.

XLV. If the Recruit on appearing before a Justice shall not dissent from his Enlistment, or dissenting shall within Twenty-four Hours return and declare that he is unable to pay the Sums mentioned in the

the last Section, the Justice shall require him to make the Declaration herein-before mentioned in the usual Manner, and shall then administer to him the Oath of Allegiance in the Form set forth in the Schedule to this Act annexed; and when the Recruit shall have signed the said Declaration, and taken the said Oath, the Justice shall attest the same by his Signature, and shall deliver to the Recruiting Officer the Declaration so signed and attested; and the Fee for such Attestation shall be One Shilling and no more; and any Recruit shall, if he so wish, be furnished with a certified Copy of the above-mentioned Declaration by the Officer who finally approved of him for the Service.

Recruits improperly obtaining Enlisting Money, &c.

XLVI. If any Recruit shall, by means of any false Answer, obtain Enlistment Money, or shall make any false Statement in his Declaration, or shall refuse to answer any Question duly authorized to be put to Recruits for the Purpose of filling up such Declaration, or shall refuse or neglect to go before a Justice for the Purposes aforesaid, or having dissented from his Enlistment shall wilfully omit to return and pay such Money as aforesaid; in any of such Cases it shall be lawful for any Two Justices to adjudge such Recruit when brought before them, if in *England*, to be a Rogue and Vagabond, and to sentence him to be punished accordingly; and if in *Scotland* or *Ireland* to be imprisoned with Hard Labour in any Prison or House of Correction for any Period not exceeding Three Calendar Months; and after such Adjudication it shall rest with the Military Authorities to determine whether such Recruit shall thereafter be deemed to be enlisted as a Soldier.

Recruits absconding

XLVII. If any Recruit shall abscond, so that it is not possible immediately to apprehend and bring him before a Justice for Attestation, the Recruiting Party shall produce to the Justice before whom the Recruit ought regularly to have been brought for that Purpose, a Certificate of the Name and Place of Residence, and Description of such Recruit, and of his having absconded, and shall declare the same to be true; and the Justice to whom such Certificate shall be produced shall transmit a Duplicate thereof to the Under Secretary of State for War, in order that the same may appear in the Police Gazette.

Recruits not triable by Court-martial till attested.

XLVIII. No Recruit previously to his being attested shall be liable to be tried by Court-martial; but any Recruit who shall have been attested before a Justice in manner aforesaid, and who shall afterwards be discovered to have given any wilfully false Answer to any Question directed to be put to Recruits, or shall have made any wilfully false Statement in the Declaration herein-before mentioned,

shall be liable, at the Discretion of the proper Military Authorities, to be proceeded against before Two Justices in the Manner hereinbefore mentioned, and by them sentenced accordingly, or to be tried by a District or Garrison Court-martial for the same, and punished in such Manner as such Court shall direct.

Militiamen enlisting into Regular Forces.

XLIX. If any Man while belonging to a Militia Regiment shall enlist in and be attested for Her Majesty's Army or Her Majesty's *Indian* Forces, he shall be liable to be tried before a Court-martial on a Charge for Desertion; but it shall be lawful for the Secretary of State for War, on the Confession thereof by such Militiaman, to order that in lieu of his being so tried he shall be subjected to a Stoppage of One Penny a Day of his Pay till he shall have made good the Sum of Eighteen Shillings and Sixpence, to be applied as the Secretary of State for War shall direct, and, further, to determine whether such Man shall be returned to his Militia Regiment after such Sum shall have been made good, or shall be deemed to be a Soldier, in the same Manner as he would have been if he had not been a Militiaman at the Time of his Attestation, in which latter Case his Service as a Soldier shall not be reckoned for Pension until the Day on which his Engagement for the Militia would have expired: Provided that should the Regiment be within the United Kingdom the Secretary of State for War shall not make such Order without the Consent of the Commanding Officer of the Militia Regiment from which the Man shall have deserted.

Punishment of Persons offending against Laws relating to Enlistment.

L. Every Person subject to this Act who shall wilfully act contrary to any of its Provisions in any Matter relating to the enlisting or attesting of Recruits for Her Majesty's Army or for Her Majesty's *Indian* Forces shall be liable to be tried for such Offence before a General, District, or Garrison Court-martial, and to be sentenced to such Punishments other than Death or Penal Servitude as such Courts may award.

Enlistment and Re-enlistment abroad.

LI. It shall be lawful for Her Majesty, by any Warrant signed by the Secretary-at-War in that Behalf, to authorize the Governors of Colonies, and of the several Presidencies in *India*, to appoint any Person, not being a General Officer nor holding any Regimental Commission, to enlist and attest, or for any Justice of the Peace or Magistrate acting for the Place of such Enlistment, and not being a General Officer nor holding any Regimental Commission, to enlist and attest, out of *Great Britain* or *Ireland*, any Soldiers or Persons desirous of enlisting or re-enlisting into Her Majesty's Army or into Her Majesty's *Indian* Army; and any Person so appointed shall have the same Powers in that Behalf as are by

by this or any other Act of Parliament given to Justices in the United Kingdom for all such Purposes of Enlistment and Attestation; and all such Appointments, past and future, and everything done or to be done under them, shall be valid and of full Effect, notwithstanding the Expiration of this Act or of any other Act of Parliament; and any Person so attested shall be deemed to be an attested Soldier; and as often as any Corps shall be relieved or disbanded at any Station beyond the Seas it shall be lawful for any Officers thereunto authorized by the Officer commanding in chief at such Station to receive as Transfers as many of the Soldiers belonging to the Corps leaving the Station as shall be willing and fit for Service for any Corps appointed to remain or for Her Majesty's *Indian* Forces; and every Soldier so transferred is hereby deemed to be discharged from his former Corps, and an attested Certificate of Transfer shall be delivered to the Soldier.

Soldiers transferred from one Service to another.

LII. Any Soldier attested for the Infantry, and at his own Request transferred to the Cavalry, Artillery, or Engineers, shall be bound to serve for the full Term of such Service as if originally enlisted therein, but any Soldier at his own Request transferred from either of such before-mentioned Services to the Infantry shall be liable to serve for the Term of his original Enlistment.

Re-engagement of Soldiers or of Persons having been Soldiers for a further Term.

LIII. Any Soldier at any Time during the last Six Months of the Term of limited Service for which he shall have first engaged, with the Consent of his Commanding Officer, or any Person having been a Soldier after the Completion of such Term of Service and his Discharge therefrom, may be re-engaged or re-enlisted, to serve for the further Term of Eleven Years in the Infantry, and Twelve Years in the Cavalry, and Nine Years in the Artillery or Engineers, upon making a Declaration, in the Form given in the Schedule annexed to this Act, before any One of Her Majesty's Justices of the Peace in *Great Britain* or *Ireland*, or if not in *Great Britain* or *Ireland* before any Person duly appointed by Her Majesty, by any Warrant signed by the Secretary of State for War in that Behalf, to enlist and attest out of *Great Britain* and *Ireland* any Soldiers or Persons desirous of enlisting or re-enlisting into Her Majesty's Sevice.

Enlistment of Negroes.

LIV. All Negroes or Persons of Colour who, although not born in any of Her Majesty's Colonies, Territories, or Possessions, shall have voluntarily enlisted into Her Majesty's Service, shall, while serving, be deemed to be Soldiers legally enlisted into Her Majesty's Service, and be entitled to all the Privileges of natural-born Subjects; and all Negroes purchased by or on account of Her Majesty previous to the total Abolition of Slavery throughout the *British* Colonies, and serving in any of Her Majesty's Forces, and all Negroes who have

have been seized and condemned as Prize under the Slave Trade Acts, and appointed to serve in Her Majesty's Army, shall be deemed to be and shall be entitled to all the Advantages of Negroes or Persons of Colour voluntarily enlisted to serve as Soldiers in any of Her Majesty's Colonial Forces.

Apprentice enlisting to be liable to serve after the Expiration of his Apprenticeship.

LV. Any Person duly bound as an Apprentice in *Great Britain* or *Ireland*, or as an indentured Labourer in any of Her Majesty's Colonies or Possessions abroad, who shall enlist as a Soldier in Her Majesty's Army or in Her Majesty's *Indian* Forces, and shall falsely state to the Magistrate before whom he shall be carried and attested that he is not an Apprentice or indentured Labourer as aforesaid, shall be deemed guilty of obtaining Money under false Pretences, if in *England* or in *Ireland*, or in the Colonies or Possessions aforesaid, and of Falsehood, Fraud, and wilful Imposition, if in *Scotland*, and shall after the Expiration of his Apprenticeship, or of his Indenture as a Labourer, whether he shall have been so convicted and punished or not, be liable to serve as a Soldier in Her Majesty's Army or in Her Majesty's *Indian* Forces, according to the Terms of the Enlistment, and if on the Expiration of his Apprenticeship, or of his Indenture as a Labourer, he shall not deliver himself up to some Officer authorized to receive Recruits, such Person may be taken as a Deserter from Her Majesty's Army; and no Master shall be entitled to claim an Apprentice or an indentured Labourer as aforesaid who shall enlist as a Soldier in Her Majesty's Army or in Her Majesty's *Indian* Forces, or shall be serving in the Embodied Militia, unless he shall, within One Calendar Month after such Apprentice or indentured Labourer shall have left his Service, go before some Justice, and take the Oath mentioned in the Schedule to this Act annexed, and shall produce the Certificate of such Justice of his having taken such Oath, which Certificate such Justice is required to give in the Form in the Schedule to this Act annexed, and unless such Apprentice shall have been bound, if in *England*, for the full Term of Five Years, not having been above the Age of Fourteen when so bound, and if in Ireland or in the *British Isles*, for the full Term of Five Years at the least, not having been above the Age of Sixteen when so bound, and if in *Scotland*, for the full Term at least of Four Years, by a regular Contract or Indenture of Apprenticeship, duly extended, signed, and tested, and binding on both Parties by the Law of *Scotland*, prior to the Period of Enlistment, and unless such Contract or Indenture in *Scotland* shall, within Three Months after the Commencement of the Apprenticeship, and before the Period of Enlistment, have been produced to a Justice of the Peace of the County in *Scotland* wherein the Parties reside, and there shall have been endorsed thereon by such Justice a Certificate or Declaration signed

Claims of Masters to Apprentices.

signed by him, specifying the Date when and the Person by whom such Contract or Indenture was so produced, which Certificate or Declaration such Justice of the Peace is hereby required to endorse and sign, and unless such Apprentice shall, when claimed by such Master, be under Twenty-one Years of Age: Provided always, that any Master of an Apprentice indentured for the Sea Service, or of any indentured Labourer in Her Majesty's Colonies or Possessions abroad, shall be entitled to claim and recover him in the Form and Manner above directed, notwithstanding such Apprentice or indentured Labourer may have been bound for a less Term than Five or Four Years as aforesaid: Provided also, that any Master who shall give up the Indentures of his Apprentice or of his Labourer as aforesaid within One Month after the enlisting of such Apprentice or indentured Labourer shall be entitled to receive to his own Use so much of the Bounty payable to such Recruit as shall not have been paid to such Recruit before Notice given of his being an Apprentice or an indentured Labourer.

Punishment of Apprentices enlisting.

LVI. No Apprentice or indentured Labourer claimed by his Master as aforesaid shall be taken from any Corps or Recruiting Party, except under a Warrant of a Justice residing near, and within whose Jurisdiction such Apprentice or indentured Labourer shall then happen to be, before whom he shall be carried; and such Justice shall inquire into the Matter upon Oath, which Oath he is hereby empowered to administer, and shall require the Production and Proof of the Indenture, and that Notice of the said Warrant has been given to the Commanding Officer, and a Copy thereof left with some Officer or Non-commissioned Officer of the Party, and that such Person so enlisted declared that he was no Apprentice or indentured Labourer; and such Justice, if required by such Officer or Non-commissioned Officer, shall commit the Offender to the Common Gaol of the County, Division, or Place for which such Justice is acting, and shall keep the Indenture to be produced when required, and shall bind over such Person as he may think proper to give Evidence against the Offender, who shall be tried at the next or at the Sessions immediately succeeding the next General or Quarter Sessions of such County, Division, or Place, unless the Court shall for just Cause put off the Trial; and the Production of the Indenture, with the Certificate of the Justice that the same was proved, shall be sufficient Evidence of the said Indenture; and every such Offender, in *Scotland*, may be tried by the Judge Ordinary in the County or Stewartry, in such and the like Manner as any Person may be tried in *Scotland* for any Offence not inferring a Capital Punishment: Provided always, that any Justice not required as afore-

said to commit such Apprentice or indentured Labourer may deliver him to his Master.

Removal of Doubts as to Attestation of Soldiers.

LVII. No Person who shall for Six Months, either before or after the passing of this Act, have received Pay and been borne on the Strength and Pay List of any Regiment or Corps, or Depôt or Battalion of a Regiment or Corps (of which the last Quarterly Pay List, if produced, shall be Evidence), shall be entitled to claim his Discharge on the Ground of Error or Illegality in his Enlistment or Attestation, or on any other Ground whatsoever; but, on the contrary, every such Person shall be deemed to have been duly enlisted and attested.

Authorized Deductions only to be made from the Pay of the Army.

LVIII. No Secretary-at-War, Paymaster General of the Army, Paymaster, or any other Officer whatsoever, or any of their under Officers, shall receive any Fees or make any Deductions whatsoever, out of the Pay of any Officer or Soldier in Her Majesty's Army, or from their Agents, which shall grow due from and after the Twenty-fifth Day of *April* One thousand eight hundred and sixty, other than the usual Deductions, or such other necessary Deductions as shall from Time to Time be authorized or required by Her Majesty's Regulations or Articles of War, or by Her Majesty's Order signified by the Secretary-at-War; and every Paymaster or other Officer who having received any Officer's or Soldier's Pay shall unlawfully detain the same for the Space of One Month, or refuse to pay the same when it shall become due, according to the several Rates and agreeably to the several Regulations established by Her Majesty's Orders, shall, upon Proof thereof before a Court-martial, be discharged from his Employment, and shall forfeit One hundred Pounds, and the Informer, if a Soldier, shall, if he demand it, be discharged from any further Service.

Suspending Operation of certain Acts herein recited.

LIX. And whereas by Petition of Right in the Third Year of King *Charles* the First it is enacted and declared, that the People of the Land are not by the Laws to be burdened with the sojourning of Soldiers against their Wills; and by a Clause in an Act of the Parliament of *England*, made in the Thirty-first Year of the Reign of King *Charles* the Second, for granting a Supply to His Majesty of Two hundred and six thousand four hundred and sixty-two Pounds Seventeen Shillings and Threepence, for paying and disbanding the Forces, it is declared and enacted, that no Officer, Civil or Military, nor other Person whosoever, should thenceforth presume to place, quarter, or billet any Soldier upon any Subject or Inhabitant of this Realm, of any Degree, Quality, or Profession whatsoever, without his Consent, and that it shall be lawful for any Subject

or

or Inhabitant to refuse to quarter any Soldier, notwithstanding any Warrant or Billeting whatsoever: And whereas by an Act passed in the Parliament of *Ireland* in the Sixth Year of the Reign of Queen *Anne*, Chapter Fourteen, Section Eight, intituled *An Act to prevent the Disorders that may happen by the marching of Soldiers; and providing Carriages for the Baggage of Soldiers on their March*, it was enacted, that no Officer, Soldier, or Trooper in the Army, nor the Servant of any Officer, nor any Attendant on the Train of Artillery, nor any Yeoman of the Guard or Battle-axes, nor any Officer commanding the said Yeomen, nor any Servant of any such Officer, should at any Time thereafter have received or be allowed any Quarters in any Part of *Ireland*, save only during such Time or Times as he or they should be on their March as in the same Act is before mentioned, or during such Time as he or they should be and remain in some Seaport Town or other Place in the Neighbourhood of a Seaport Town in order to be transported, or during such Time as there should be any Commotion in any Part of *Ireland*, by reason of which Emergency the Army, or any considerable Part thereof, should be commanded to march from One Part of *Ireland* to another: But forasmuch as there is and may be Occasion for the marching and quartering of Regiments, Corps, Troops, and Companies in several Parts of the United Kingdom of *Great Britain* and *Ireland*, the said several Provisions of the said recited Acts shall be suspended and cease to be of any Force or Effect during the Continuance of this Act.

6 Anne, c. 14. s. 8 (I.)

LX. And whereas by the Eleventh Section of the said Act of the Sixth Year of the Reign of Queen *Anne*, Chapter Fourteen, it is provided and enacted, that no Civil Magistrate or Constable should be obliged to find Quarters for or give Billets to more or other Soldiers than those only whose true Christian and Surnames should be delivered to him in Writing under the Hand of the Officer desiring Quarters or Billets for such Soldiers at the Time such Quarters or Billets should be desired, and that all such Names should be written together and delivered in One Piece of Paper, signed as aforesaid, and that the Christian and Surnames of every Soldier to be quartered or billeted, together with the Name of the Person on whom he or they should be billeted or quartered, should be given in Writing by the Constable or Civil Officer billeting or quartering such Soldier, and be contained in the Billet given by such Civil Officer: And whereas it has been found inconvenient and difficult to comply with all the Requirements of the said Enactment: It shall not be necessary, so long as this Act shall continue in force, for any Officer, upon the Occasion of his requiring Quarters or Billets for any Soldiers in *Ireland*, to deliver to the Constable or other Person whose Duty it shall be to find or give the same any List of the Names of the Soldiers to be so quartered or billeted; and

Certain Requirements of 6 Anne, c. 14. (I.), as to billeting in Ireland, not now necessary.

and it shall not be necessary for the Constable or other such Person as aforesaid to set forth in any Billet the Name of any Soldier to be billeted or quartered, but only the Number of the Soldiers, or the Number of the Soldiers and Horses respectively, as the Case may require, to be billeted or quartered on the Person named in the Billet, and to whom the same shall be addressed.

How and where Troops may be billeted.

LXI. It shall be lawful for all Constables of Parishes and Places, and other Persons specified in this Act, in *Great Britain* and *Ireland*, and they are hereby required, to billet the Officers and Soldiers in Her Majesty's Service, and Out-pensioners when assembled as a local Force by competent Authority, and Persons receiving Pay in Her Majesty's Army, and the Horses belonging to Her Majesty's Cavalry, and also all Staff and Field Officers Horses, and all Bât and Baggage Horses belonging to any of Her Majesty's other Forces, when on actual Service, not exceeding for each Officer the Number for which Forage is or shall be allowed by Her Majesty's Regulations, in Victualling Houses and other Houses specified in this Act (taking care in *Ireland* not to billet less than Two Men in One House, except only in case of billeting Cavalry as specially provided); and they shall be received by the Occupiers of the Houses in which they are so billeted, and be furnished by such Victuallers with proper Accommodation in such Houses, or if any Victualler shall not have sufficient Accommodation in the House upon which a Soldier is billeted, then in some good and sufficient Quarters to be provided by such Victualler in the immediate Neighbourhood, and in *Great Britain* shall also be furnished with Diet and Small Beer, and in *Great Britain* and *Ireland* with Stables, Oats, Hay, and Straw for such Horses as aforesaid, paying and allowing for the same the several Rates herein-after provided; and at no Time when Troops are on a March shall any of them, whether Infantry or Cavalry, be billeted above One Mile from the Place mentioned in the Route, Care being always taken that Billets be made out for the less distant Houses, in which suitable Accommodation can be found, before making out Billets for the more distant; and in all Places where Cavalry shall be billeted in pursuance of this Act, each Man and his Horse shall be billeted in One and the same House, except in case of Necessity; and, except in case of Necessity, One Man at least shall be billeted where there shall be One or Two Horses, and Two Men at least where there shall be Four Horses, and so in proportion for a greater Number; and in no Case shall a Man and his Horse be billeted at a greater Distance from each other than One hundred Yards; and the Constables are hereby required to billet all Soldiers and their Horses on their March, in the Manner required by this Act, upon the Occupiers of all Houses within One Mile of the Place mentioned in the Route, and whether they be in the same or in a different County, in like

like Manner in every respect as if such Houses were all locally situate within such Place; provided that nothing herein contained shall be construed to extend to authorize any Constable to billet Soldiers out of the County to which such Constable belongs when the Constable of the adjoining County shall be present and shall undertake to billet the due Proportion of Men in such adjoining County; and no more Billets shall at any Time be ordered than there are effective Soldiers and Horses present to be billeted; all which Billets, when made out by such Constables, shall be delivered into the Hands of the Commanding Officer present; and if any Person shall find himself aggrieved by having an undue Proportion of Soldiers billeted in his House, and shall prefer his Complaint, if against a Constable or other Person not being a Justice, to One or more Justices, and if against a Justice then to Two or more Justices within whose Jurisdiction such Soldiers are billeted, such Justices respectively shall have Power to order such of the Soldiers to be removed, and to be billeted upon other Persons, as they shall see Cause; and when any of Her Majesty's Cavalry or any Horses as aforesaid shall be billeted upon the Occupiers of Houses in which Officers or Soldiers may be quartered by virtue of this Act who shall have no Stables, then and in such Case, upon the written Requisition of the Commanding Officer of the Regiment, Corps, Troop, or Detachment, the Constable is hereby required to billet the Men and their Horses, or Horses only, upon some other Person or Persons who have Stables and who are by this Act liable to have Officers and Soldiers billeted upon them; and upon Complaint being made by the Person or Persons to whose House or Stables the said Men or Horses shall have been so removed to Two or more Justices within whose Jurisdiction such Men or Horses shall be so billeted, it shall be lawful for such Justices to order a proper Allowance to be paid by the Person relieved to the Persons receiving such Men and Horses or to be applied in furnishing the requisite Accommodation; and Commanding Officers may exchange any Man or Horse billeted in any Place, with another Man or Horse billeted in the same Place, for the Benefit of the Service, provided the Number of Men and Horses do not exceed the Number at that Time billeted on such Houses respectively; and the Constables are hereby required to billet such Men and Horses so exchanged accordingly; and it shall be lawful for any Justice, at the Request of any Officer or Non-commissioned Officer commanding any Soldiers requiring Billets, to extend any Routes or to enlarge the Districts within which Billets shall be required, in such Manner as shall appear to be most convenient to the Troops; provided that, to prevent or punish all Abuses in billeting Soldiers, it shall be lawful for any Justice within his Jurisdiction, by Warrant or Order under his Hand, to require any Constable to give him an Account in Writing of the Number of Officers and Soldiers

who shall be quartered by such Constables, together with the Names of the Persons upon whom such Officers and Soldiers are billeted, stating the Street or Place where such Persons dwell, and the Sign, if any, belonging to the Houses: Provided always, that no Officer shall be compelled or compellable to pay anything for his Lodging, where he shall be duly billeted.

Billeting the Guards in and near Westminster.

LXII. The Officers and Soldiers of Her Majesty's Foot Guards shall be billeted within the City and Liberties of *Westminster* and Places adjacent, lying in the County of *Middlesex* (except the City of *London*) and in the County of *Surrey*, and in the Borough of *Southwark*, in the same Manner and under the same Regulations as in other Parts of *England*, in all Cases for which particular Provision is not made by this Act; and the High Constables shall, on Receipt of the Order for billeting Soldiers, deliver Precepts to the several Constables within their respective Divisions, in pursuance of which the said Constables shall billet such Officers and Soldiers equally and proportionably on the Houses subjected thereto by this Act; and the said Constables shall, at every General Sessions of the Peace to be holden for the said City and Liberties, Counties and Borough respectively, make and deliver to the Justices then in open Session assembled, upon Oath, which Oath the said Justices are hereby required to administer, Lists, signed by them respectively, of the Houses subject by this Act to receive Officers and Soldiers, together with the Names and Rank of all Officers and Soldiers billeted on each respectively, which Lists shall remain with the respective Clerks of the Peace, for the Inspection of all Persons, without Fee or Reward; and such Clerk shall forthwith from Time to Time deliver to any Persons who shall require the same true Copies of any such Lists, upon being paid Twopence *per* Sheet for the same, each Sheet to contain at the least One hundred and fifty Words.

Military Officers not to act as Justices in billeting.

LXIII. No Justice having or executing any Military Office or Commission in any Part of the United Kingdom shall, directly or indirectly, be concerned in the billeting or appointing Quarters for any Soldier in the Regiment, Corps, Troop, or Company under the immediate Command of such Justice, and all Warrants, Acts, and Things made, done, and appointed by such Justice for or concerning the same shall be void.

Allowance to Innkeepers.

LXIV. The Innholder or other Person on whom any Soldier is billeted in *Great Britain* shall, if required by such Soldier, furnish him for every Day of the March, and for a Period not exceeding Two Days when halted at the intermediate Place upon the March, and for the Day of the Arrival at the Place of final Destination, with

with One hot Meal in each Day, the Meal to consist of such Quantities of Diet and Small Beer as may be fixed by Her Majesty's Regulations, not exceeding One Pound and a Quarter of Meat previous to being dressed, One Pound of Bread, One Pound of Potatoes or other Vegetables, and Two Pints of Small Beer, and Vinegar, Salt, and Pepper, and for such Meal the Innholder or other Person furnishing the same shall be paid the Sum of Tenpence, and Twopence Halfpenny for a Bed; and all Innholders and other Persons on whom Soldiers may be billeted in *Great Britain* or *Ireland*, except when on the March in *Great Britain* and entitled to be furnished with the hot Meal as aforesaid, shall furnish such Soldiers with a Bed and with Candles, Vinegar, and Salt, and shall allow them the Use of Fire, and the necessary Utensils for dressing and eating their Meat, and shall be paid in consideration thereof the Sum of Fourpence *per Diem* for each Soldier; and the Sum to be paid to the Innholder or other Person on whom any of the Horses belonging to Her Majesty's Forces shall be billeted in *Great Britain* or *Ireland*, for Ten Pounds of Oats, Twelve Pounds of Hay, and Eight Pounds of Straw, shall be One Shilling and Ninepence *per Diem* for each Horse; and every Officer or Non-commissioned Officer commanding a Regiment, Detachment, or Party, shall every Four Days, or before they shall quit their Quarters if they shall not remain so long as Four Days, settle and discharge the just Demands of all Victuallers or other Persons upon whom such Officers, Soldiers, or Horses are billeted, out of the Pay and Subsistence of such Officers and Soldiers, before any Part of the said Pay or Subsistence be distributed to them respectively; and if any such Officer or Non-commissioned Officer shall not pay the same as aforesaid, then, upon Complaint, and Oath made thereof by any Two Witnesses before Two Justices of the Peace for the County, Riding, Division, Liberty, City, Borough, or Place where such Quarters were situated, sitting in Quarter or Petty Sessions, the Secretary-at-War is hereby required (upon Certificate of the Justices before whom such Oath was made of the Sum due upon such Accounts, and the Persons to whom the same is owing,) to give Orders to the Agent of the Regiment or Corps to pay the Sums due to such Victuallers or other Persons as aforesaid, and to charge the same against such Officers; and in case any Soldier be suddenly ordered to march, and the respective Commanding Officers or Non-commissioned Officers are not enabled to make Payment of the Sums due for the Lodging or Victualling of the Men and Stabling or Forage for the Horses, every such Officer or Non-commissioned Officer shall, before his Departure, make up the Account with every Person upon whom such Soldier may have been billeted, and sign a Certificate thereof; which Account

and

and Certificate shall be transmitted by such Officer or Non-commissioned Officer to the Agent of the Regiment or Corps, who is hereby required to make immediate Payment thereof, and to charge the same to the Account of such Officer or Non-commissioned Officer.

Interpretation of Act.

LXV. All Powers and Provisions relating to Soldiers shall be construed to extend to Non-commissioned Officers, unless when otherwise provided; and all Powers and Provisions relating to Justices shall be construed to extend to all Magistrates authorized to act as such in their respective Jurisdictions, and to Chief Magistrates of exclusive local Jurisdictions; and all the Powers given to and Regulations made for the Conduct of Constables in relation to the billeting of Officers and Soldiers, and all Penalties and Forfeitures for any Neglect thereof, shall extend to all Tithingmen, Headboroughs, and such like Officers, and to all Inspectors or other Officers of Police, and to High Constables and other Chief Officers and Magistrates of Cities, Towns, Villages, Hamlets, Parishes, and Places in *England* and *Ireland*, and to all Justices of the Peace, Magistrates of Burghs, Commissioners of Police, and other Chief Officers and Magistrates of Cities, Towns, Villages, Parishes, and Places in *Scotland*, who shall act in the Execution of this Act in relation to billeting; and all Powers and Provisions for billeting Officers and Soldiers in Victualling Houses shall extend and apply to all Inns, Hotels, Livery Stables, Alehouses, and to the Houses of Sellers of Wine by Retail, whether *British* or Foreign, to be drunk in their own Houses, or Places thereunto belonging, and to all Houses of Persons selling Brandy, Spirits, Strong Waters, Cider, or Metheglin, by Retail, in *Great Britain* and *Ireland*; and in *Ireland*, when there shall not be found sufficient Room in such Houses, then to billeting Soldiers in such Manner as has been heretofore customary: Provided that no Officer or Soldier shall be billeted in *Great Britain* in any private Houses, or in any Canteen held or occupied under the Authority of the War Department, or upon Persons who keep Taverns only, being Vintners of the City of *London* admitted to their Freedom of the said Company in right of Patrimony or Apprenticeship, notwithstanding such Persons who keep such Taverns only have taken out Victualling Licences, nor in the House of any Distiller kept for distilling Brandy and Strong Waters, nor in the House of any Shopkeeper whose principal Dealing shall be more in other Goods and Merchandise than in Brandy and Strong Waters, so as such Distillers and Shopkeepers do not permit tippling in such Houses, nor in the House of Residence in any Part of the United Kingdom of any Foreign Consul duly accredited as such.

Powers and Regulations as to Billets.

Exemptions from Billets.

LXVI. For

Mutiny.

LXVI. For the regular Provision of Carriages for Her Majesty's Forces, and their Baggage, in their Marches in *Great Britain* and *Ireland*, all Justices of the Peace within their several Jurisdictions, being duly required thereunto by an Order from Her Majesty, or the General of Her Forces, or other Person duly authorized in that Behalf, shall, on Production to them of such Order, or a Copy thereof certified by the Commanding Officer, by some Officer or Non-commissioned Officer of the Regiment or Corps so ordered to march, issue a Warrant to any Constable having Authority to act in any Place from, through, near, or to which the Troop shall be ordered to march, (for each of which Warrants the Fee of One Shilling only shall be paid,) requiring him to provide the Carriages, Horses, and Oxen, and Drivers therein mentioned, and allowing sufficient Time to do the same, specifying the Places from and to which the said Carriages shall travel, and the Distance between the Places, for which Distance only so specified Payment shall be demanded, and which Distance shall not, except in Cases of pressing Emergency, exceed a Day's March prescribed in the Order of Route, and shall in no Cases exceed Twenty-five Miles; and the Constables receiving such Warrants shall order such Persons as they shall think proper, having Carriages, to furnish the requisite Supply, who are hereby required to furnish the same accordingly; and when sufficient Carriages cannot be procured within the proper Jurisdiction, any Justice of the next adjoining Jurisdiction shall, by a like Course of Proceeding, supply the Deficiency; and in order that the Burden of providing Carriages may fall equally, and to prevent Inconvenience arising from there being no Justice near the Place where Troops may be quartered on the March, any Justice residing nearest to such Place may cause a List to be made out once in every Year of all Persons liable to furnish such Carriages, and of the Number and Description of their said Carriages, (which Lists shall at all seasonable Hours be open to the Inspection of the said Persons,) and may by Warrant under his Hand authorize the Constable within his Jurisdiction to give Orders to provide Carriages, without any special Warrant for that Purpose, which Orders shall be valid in all respects; and all Orders for such Carriages shall be made from such Lists in regular Rotation, as far as the same can be done.

Supply of Carriages.

LXVII. In every Case in which the whole Distance for which any Carriage shall be impressed shall be under One Mile the Rate of a full Mile shall be paid; and the Rates to be paid for Carriages impressed shall be, in *Great Britain*, for every Mile which a Waggon with Four or more Horses, or a Wain with Six Oxen or Four Oxen and Two Horses, shall travel, One Shilling; and for every Mile any Waggon with narrow Wheels, or any Cart with Four

Rates to be paid for Carriages, and Regulations relating thereto.

Horses, carrying not less than Fifteen Hundredweight, shall travel, Ninepence; and for every Mile any other Cart or Carriage with less than Four Horses, and not carrying Fifteen Hundredweight, shall travel, Sixpence; and in *Ireland*, for every Hundredweight loaded on any Wheel Carriage, One Halfpenny *per* Mile; and in *Great Britain* such further Rates may be added, not exceeding a total Addition *per* Mile of Fourpence, Threepence, or Twopence, to the respective Rates of One Shilling, Ninepence, or Sixpence, as may seem reasonable to the Justices assembled at General Sessions for their respective Districts, or to the Recorder at the Sessions of the Peace of any Municipal City, Borough, or Town; and the Order of such Justices or Recorder shall specify the average Price of Hay and Oats at the nearest Market Town at the Time of fixing such additional Rates, the Period for which the Order shall be enforced not exceeding Ten Days beyond the next General Sessions; and no such Order shall be valid unless a Copy thereof, signed by the presiding Magistrate and One other Justice, or by the Recorder, shall be transmitted to the Secretary-at-War within Three Days after the making thereof; and also in *Great Britain*, when the Day's March shall exceed Fifteen Miles, the Justice granting his Warrant may fix a further reasonable Compensation, not exceeding the usual Rate of Hire fixed by this Act; and when any additional Rates or Compensation shall be granted, the Justice shall insert in his own Hand in the Warrant the Amount thereof, and the Date of the Order of Sessions, if fixed by Sessions, and the Warrant shall be given to the Officer commanding as his Voucher; and the Officer or Non-commissioned Officer demanding Carriages by virtue of the Warrant of a Justice shall, in *Great Britain*, pay the proper Sums into the Hands of the Constables providing Carriages, who shall give Receipts for the same on unstamped Paper; and in *Ireland* the Officers or Non-commissioned Officers as aforesaid shall pay the proper Sums to the Owners or Drivers of the Carriages, and One Third Part of such Payment shall be made before the Carriage be loaded, and all the said Payments in *Ireland* shall be made, if required, in the Presence of a Justice or Constable; and no Carriage shall be liable to carry more than Thirty Hundredweight in *Great Britain*, and in *Ireland* no Car shall be liable to carry more than Six Hundredweight, and no Dray more than Twelve Hundredweight; but the Owner of such Carriages in *Ireland* consenting to carry a greater Weight shall be paid at the same Rate for every Hundredweight of the said Excess; and the Owners of such Carriages in *Ireland* shall not be compelled to proceed, though with any less Weight, under the Sum of Threepence a Mile for each Car and Sixpence a Mile for each Dray; and the Loading of such Carriages in *Ireland* shall be first weighed, if required, at the Expense of the Owner of the Carriage,

Carriage, if the same can be done in a reasonable Time, without Hindrance to Her Majesty's Service; provided that a Cart with One or more Horses for which the Furnisher shall receive Ninepence a Mile shall be required to carry Fifteen Hundredweight at the least; and no Penalties or Forfeitures in any Act relating to Highways or Turnpike Roads in the United Kingdom shall apply to the Number of Horses and Oxen, or Weight of Loading of the aforesaid Carriages, which shall not on that Account be stopped or detained; and whenever it shall be necessary to impress Carriages for the March of Soldiers from *Dublin*, at least Twenty-four Hours Notice of such March, and in case of Emergency as long Notice as the Case will admit, shall be given to the Lord Mayor of *Dublin*, who shall summon a proportional Number of Cars and Drays, at his Discretion, out of the licensed Cars and Drays and other Cars and Drays within the County of the said City, and they shall by Turns be employed on this Duty at the Prices and under the Regulations herein-before mentioned; and no Country Cars, Drays, or other Carriages coming to Markets in *Ireland* shall be detained or employed against the Will of the Owners in carrying the Baggage of the Army on any Pretence whatsoever.

Supply of Carriages in Cases of Emergency.

LXVIII. It shall be lawful for Her Majesty, or for the Lord Lieutenant or Chief Governor of *Ireland*, by Her or their Order, distinctly stating that a Case of Emergency doth exist, signified by the Secretary-at-War, or if in *Ireland*, by the Chief Secretary or Under Secretary, or the First Clerk in the Military Department, to authorize any General or Field Officer commanding Her Majesty's Forces in any District or Place, or the Chief Acting Agent for the Supply of Stores and Provisions, by Writing under his Hand reciting such Order of Her Majesty or Lord Lieutenant or Chief Governor aforesaid, to require all Justices within their several Jurisdictions in *Great Britain* and *Ireland* to issue their Warrants for the Provision, not only of Waggons, Wains, Carts, and Cars kept by or belonging to any Person and for any Use whatsoever, but also of Saddle Horses, Coaches, Postchaises, Chaises, and other Four-wheeled Carriages, kept for Hire, and of all Horses kept to draw Carriages licensed to carry Passengers, and also of Boats, Barges, and other Vessels used for the Transport of any Commodities whatsoever upon any Canal or navigable River, as shall be mentioned in the said Warrants, therein specifying the Place and Distance to which such Carriages or Vessels shall go; and on the Production of such Requisition, or a Copy thereof certified by the Commanding Officer, to such Justice, by any Officer of the Corps ordered to be conveyed, or by any Officer of the War Department, such Justice shall take all the same Proceedings in regard to such additional Supply so required

required on such Emergency as he is by this Act required to take for the ordinary Provision of Carriages; and all Provisions whatsoever of this Act, as regards the procuring of the ordinary Supply of Carriages, and the Duties of Officers and Non-commissioned Officers, Justices, Constables, and Owners of Carriages in that Behalf, shall be to all Intents and Purposes applicable for the providing and Payment, according to the Rates of Posting or of Hire usually paid for such other Description of Carriages or Vessels so required on Emergency, according to the Length of the Journey or Voyage in each Case, but making no Allowance for Post Horse Duty, or Turnpike, Canal, River, or Lock Tolls, which Duty or Tolls are hereby declared not to be demandable for such Carriages and Vessels while employed in such Service or returning therefrom; and it shall be lawful to convey thereon, not only the Baggage, Provisions, and Military Stores of such Regiment, Corps, or Detachment, but also the Officers, Soldiers, Servants, Women, Children, and other Persons of and belonging to the same.

Justices empowered to reimburse Constables for Sums expended by them.

LXIX. It shall be lawful for the Justices of the Peace assembled at their Quarter Sessions to direct the Treasurer to pay, without Fee, out of the Public Stock of the County or Riding, or if such Public Stock be insufficient then out of Monies which the said Justices shall have Power to raise for that Purpose, in like Manner as for County Gaols and Bridges, such reasonable Sums as shall have been expended by the Constables within their respective Jurisdictions for Carriages and Vessels, over and above what was or ought to have been paid by the Officer requiring the same, regard being had to the Season of the Year and the Condition of the Ways by which such Carriages and Vessels are to pass; and in *Scotland* such Justices shall direct such Payments to be made out of the Rogue Money and Assessments directed and authorized to be assessed and levied by an Act of the Twentieth and Twenty-first Years of the Reign of Her present Majesty, Chapter Seventy-two.

Routes in Ireland.

LXX. It shall be lawful for the Lord Lieutenant or other Chief Governor for the Time being of *Ireland* to depute, by Warrant under his Hand and Seal, some proper Person to sign Routes in Cases of Emergency, for the marching of any of Her Majesty's Forces in *Ireland*, in the Name of such Lord Lieutenant or Chief Governor.

Tolls.

LXXI. All Her Majesty's Officers and Soldiers, on Duty or on their March, and their Horses and Baggage, and all Recruits marching by Route, and all Prisoners under Military Escort, and all enrolled Pensioners in Uniform when called out for Training

Training or in aid of the Civil Power, and all Carriages and Horses belonging to Her Majesty or employed in Her Service under the Provisions of this Act, or in any of Her Majesty's Colonies, when conveying any such Persons as aforesaid, or their Baggage, or returning from conveying the same, shall be exempted from Payment of any Duties and Tolls on embarking or disembarking from or upon any Pier, Wharf, Quay, or Landing Place, or in passing along or over any Turnpike or other Roads or Bridges, otherwise demandable by virtue of any Act already passed or hereafter to be passed, or by virtue of any Act or Ordinance, Order or Direction of any Colonial Legislature or other Authority in any of Her Majesty's Colonies; provided that nothing herein contained shall exempt any Boats, Barges, or other Vessels employed in conveying the said Persons, Horses, Baggage, or Stores along any Canal from Payment of Tolls in like Manner as other Boats, Barges, and Vessels are liable thereto, except when employed in Cases of Emergency as herein-before enacted.

Ferries.

LXXII. When any Soldiers on Service have Occasion in their March by Route to pass regular Ferries in *Scotland*, the Officer commanding may at his Option pass over with his Soldiers as Passengers, and shall pay for himself and each Soldier One Half only of the ordinary Rate payable by single Persons, or may hire the Ferry Boat for himself and his Party, debarring others for that Time, and shall in all such Cases pay only Half the ordinary Rate for such Boat.

Marching Money on Discharge.

LXXIII. Every Soldier entitled to his Discharge shall, if then serving abroad, be sent, if he shall so require, to *Great Britain* or *Ireland* free of Expense, and shall be entitled to receive Marching Money from the Place of his being landed (or, if discharged at home, shall receive Marching Money from the Place of his Discharge,) to the Parish or Place in which he shall have been originally enlisted, or at which he shall at the Time of his Discharge decide to take up his Residence, such Place not being at a greater Distance from the Place of his Discharge than the Place of his original Enlistment.

Notification to Parishes of good or bad Conduct of Soldiers

LXXIV. The Churchwardens of every Parish in *England* and *Ireland*, and the Constables or other Officers of every Parish or Place in *Scotland*, on receiving a Notification from the Secretary-at-War of the Names of any Soldiers belonging to the said Parish who have, for meritorious Conduct in the Army, received Her Majesty's special Approbation, or who, in consequence of Misconduct, have been dismissed Her Majesty's Service with Disgrace, shall affix such Notification on the Outside of the Door of the Church or Chapel

 belonging

belonging to such Parish or Place on the *Sunday* next after the Receipt of the said Notification.

Ordinary Course of Criminal Justice not to be interfered with.

Punishment of Officers obstructing Civil Justice

LXXV. Nothing in this Act contained shall be construed to extend to exempt any Officer or Soldier from being proceeded against by the ordinary Course of Law, when accused of Felony, or of Misdemeanor, or of any Crime or Offence other than the Misdemeanor of refusing to comply with an Order of Justices for the Payment of Money; and if any Commanding Officer shall neglect or refuse, on Application being made to him for that Purpose, to deliver over to the Civil Magistrate any Officer or Soldier under his Command, or shall wilfully obstruct, neglect, or refuse to assist the Officers of Justice in apprehending any Officer or Soldier under his Command, so accused as aforesaid, such Commanding Officer shall, upon Conviction thereof in any of Her Majesty's Superior Courts at *Westminster*, *Dublin*, or *Edinburgh*, be deemed to be thereupon cashiered, and shall be thenceforth utterly disabled to have or hold any Civil or Military Office or Employment in the United Kingdom of *Great Britain* and *Ireland*, or in Her Majesty's Service; and a Certificate of such Conviction, containing the Substance and Effect of the Indictment only, omitting the formal Part, with the Copy of the Entry of the Judgment of the Court thereon, shall be transmitted to the Judge Advocate General in *London*.

Penalty for Disobedience by Agents.

LXXVI. For enforcing a prompt Observance of the Rules and Orders for the due Appropriation of the Public Funds applicable to Army Services, and in order that a true and regular Account may be kept and rendered by the Agents for the several Corps, the said Agents are hereby required to observe such Orders as shall from Time to Time be given by Her Majesty under Her Sign Manual, or by the Secretary-at-War, or by Her Majesty's Lord Lieutenant or Chief Governor of *Ireland*, or by the Lord Treasurer or the Commissioners of Her Majesty's Treasury; and if any Person, being or having been an Agent, shall refuse or neglect to comply with such Orders in relation to his Duty as Agent, or shall unlawfully withhold or detain the Pay of any Officer or Soldier for a longer Period than the Space of One Month after the Receipt thereof, he shall for the First Offence forfeit the Sum of One hundred Pounds, and if still an Agent, for the Second Offence be discharged from his Employment as an Army Agent, and be utterly disabled to have or hold such Employment thereafter, or, if he have ceased to be an Army Agent, shall for the Second and every succeeding Offence forfeit the Sum of Two hundred Pounds.

LXXVII. Every

Mutiny.

LXXVII. Every Person, not being an authorized Army Agent, who shall negotiate or act as Agent for or in relation to the Purchase, Sale, or Exchange of any Commission in Her Majesty's Army, shall forfeit for every such Offence the Sum of One hundred Pounds; and every Person, whether authorized as an Army Agent or not, who shall receive any Money or Reward in respect of any such Purchase, Sale, or Exchange, or who shall negotiate or receive for any Purpose whatsoever any Money or Consideration where no Price is allowed by Her Majesty's Regulations, or any Money or Consideration exceeding the Amount so allowed, shall forfeit One hundred Pounds and treble the Value of the Consideration where the Commission is not allowed to be sold, or treble the Excess of such Consideration beyond the regular Price. Penalty on trafficking in Commissions.

LXXVIII. Every Person, not having any Military Commission, who shall give or procure to be given any untrue Certificate, whereby to excuse any Soldier for his Absence from any Muster or any other Service which he ought to attend or perform, or who shall directly or indirectly cause to be taken any Money or Gratuity for mustering any Soldiers, or for signing any Muster Rolls or Duplicates thereof, shall forfeit for every such Offence the Sum of Fifty Pounds; and any Person who shall falsely be mustered, or offer himself to be mustered, or lend or furnish any Horse to be falsely mustered, shall, upon Conviction before some Justice of the Peace residing near the Place where such Muster shall be made, forfeit for every such Offence the Sum of Twenty Pounds, and the Informer, if he belongs to Her Majesty's Service, shall, if he demand it, be forthwith discharged. Penalty for procuring false Musters.

LXXIX. Every Person (except such Person or Persons as shall be authorized by Beating Order under the Hand of the Secretary-at-War) who shall cause to be advertised, posted, or dispersed Bills for the Purpose of procuring Recruits or Substitutes for the Line, Embodied Militia, or Her Majesty's *Indian* Forces, or shall open or keep any House, Place of Rendezvous, or Office, or receive any Person therein under such Bill or Advertisement, as connected with the Recruiting Service, or shall directly or indirectly interfere therewith, without Permission in Writing from the Adjutant General, or from the Secretary of State in Council of *India*, (as the Case may be,) shall forfeit for every such Offence a Sum not exceeding Twenty Pounds. Penalty on unlawful recruiting.

LXXX. Any Person who shall in any Part of Her Majesty's Dominions, or by any Means whatsoever, directly or indirectly, procure any Soldier to desert, or attempt to procure or persuade any Soldier Penalty for inducing Soldiers to desert.

Soldier to desert, and any Person, who, knowing that any Soldier is about to desert, shall aid or assist him in deserting, or, knowing any Soldier to be a Deserter, shall conceal such Deserter, or aid or assist such Deserter in concealing himself, or aid or assist in his Rescue, shall be deemed guilty of a Misdemeanor, and shall, on Conviction thereof, be liable to be punished by Fine or Imprisonment, or both, as the Court before which such Conviction shall take place may adjudge.

Penalty for forcible Entry in pursuit of Deserters.

LXXXI. Any Officer or Soldier who shall, in pursuit of any Deserter, forcibly enter into or break open any Dwelling House or Outhouse, or shall give any Order under which any Dwelling House or Outhouse shall be forcibly entered into or broken open, without a Warrant from One or more Justices of the Peace, shall, on Conviction thereof before Two Justices of the Peace, forfeit a Sum not exceeding Twenty Pounds.

Penalties on aiding Escape or Attempt to escape of Prisoners, and on Breach of Prison Regulations.

LXXXII. If any Person shall convey or cause to be conveyed into any Military Prison appointed to be a public Prison under this Act any Arms, Tools, or Instruments, or any Mask or other Disguise, in order to facilitate the Escape of any Prisoner, or shall by any Means whatever aid and assist any Prisoner to escape or in attempting to escape from such Prison, whether an Escape be actually made or not, such Person shall be deemed guilty of Felony, and upon being convicted thereof shall be kept to Penal Servitude for any Term not less than Four Years and not exceeding Six Years, or be imprisoned, with or without Hard Labour, for any Term not exceeding Two Years; and if any Person shall bring or attempt to bring into such Prison, in contravention of the existing Rules thereof, any spirituous or fermented Liquor, he shall for every such Offence be liable to a Penalty not exceeding Twenty Pounds and not less than Ten Pounds, or to be imprisoned, with or without Hard Labour, for any Time not exceeding Three Calendar Months; and if any Person shall bring into such Prison, to or for any Prisoner, without the Knowledge of the Governor, any Money, Clothing, Provisions, Tobacco, Letters, Papers, or any other Articles not allowed by the Rules of the Prison to be in the Possession of a Prisoner, or shall throw into the said Prison any such Articles, or shall by Desire of any Prisoner, without the Sanction of the Governor, carry out of the Prison any of the Articles aforesaid, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds, or to be imprisoned, either with or without Hard Labour, for any Time not exceeding One Calendar Month; and if any Person shall assault or violently resist any Officer of such Prison in the Execution of his Duty, or shall aid or excite any Person so to assault or resist any such Officer, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds, or to be

be imprisoned, with or without Hard Labour, for any Time not exceeding One Calendar Month, or, if the Offender be a Soldier already under Sentence of Imprisonment, he shall be liable for every such Offence, upon Conviction thereof by a Board of not less than Three of the Visitors of the Prison, to be imprisoned, either with or without Hard Labour, for any Time not exceeding Six Calendar Months, or upon Conviction thereof by a single Visitor to be imprisoned, with or without Hard Labour, for any Time not exceeding Seventy-two Hours, in addition to so much of the Time for which he was originally sentenced as may then be unexpired; or if such Soldier shall, within Forty-eight Hours of the Expiration of his Sentence, be guilty of any Offence against the Rules of the Prison, he may, on Conviction thereof by a single Visitor, be imprisoned, either with or without Hard Labour or Solitary Confinement, for a Period not exceeding Seventy-two Hours in addition to his original Sentence; and all the Provisions of any Act or Acts of Parliament for the Regulation or better ordering of Gaols, Houses of Correction, or Prisons in *Great Britain*, shall be deemed to apply to all Military Prisons so far as any such Provision relates to such Offences; and it shall be lawful for the Governor, Provost Marshal, Officer, or Servant of any Military Prison to use and exercise all the Powers and Authorities given by any such Act to the Gaoler, Keeper, or Turnkey of any Prison, or to his or their Assistants, to apprehend or to cause Offenders to be apprehended, in order to their being taken before a Justice or Justices of the Peace; and all the Powers and Authorities given by any such Act to any Justice or Justices of the Peace to convict Offenders in any of the above Cases, together with the Forms of Convictions contained in any such Act, shall be applicable to the like Offences when committed in respect of Military Prisons; and all the Provisions contained in any such Act relating to Suits and Actions prosecuted against any Person for anything done in pursuance of such Act shall be deemed to apply to all Suits and Actions prosecuted against any Person acting in pursuance of such Act in respect of Military Prisons.

Certain Provisions of Acts for regulating Gaols to apply to Military Prisons.

LXXXIII. Any Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement, who shall refuse to receive and to confine, or to discharge or deliver over, any Military Offender in the Manner herein-before prescribed, shall forfeit for every such Offence the Sum of One hundred Pounds.

Penalty on Keepers of Prisons for refusing to confine, &c. Military Offenders.

LXXXIV. Any Person who shall knowingly detain, buy, exchange, or receive from any Soldier or Deserter or any other Person acting for or on his Behalf on any Pretence whatsoever, or who shall solicit or entice any

Penalty on purchasing Soldiers Necessaries, Stores, &c.

any Soldier, or shall be employed by any Soldier, knowing him to be such, to sell any Arms, Ammunition, Medals for good Conduct or for Distinguishment or other Service, Clothes, or Military Furniture, or any Provisions, or any Sheets or other Articles used in Barracks provided under Barrack Regulations, or Regimental Necessaries, or any Article of Forage provided for any Horses belonging to Her Majesty's Service, or who shall have in his or her Possession or Keeping any such Arms, Ammunition, Medals, Clothes, Furniture, Provisions, Spirits, Articles, Necessaries, or Forage, and shall not give a satisfactory Account how he or she came by the same, or shall change the Colour of any Clothes as aforesaid, shall forfeit for every such Offence any Sum not exceeding Twenty Pounds together with treble the Value of all or any of the several Articles of which such Offender shall so become or be possessed; and if any Person having been so convicted shall afterwards be guilty of any such Offence, he shall for every such Offence forfeit any Sum not exceeding Twenty Pounds but not less than Five Pounds and the treble Value of all or any of the several Articles of which such Offender shall have so become possessed, and shall in addition to such Forfeiture be committed to the Common Gaol or House of Correction, there to be imprisoned, with or without Hard Labour, for such Term not exceeding Six Calendar Months as the convicting Justice or Justices shall think fit; and upon any Information against any Person for a Second or any subsequent Offence, a Copy of the former Conviction, certified by the proper Officer having the Care or Custody of such Conviction, or any Copy of the same proved to be a true Copy, shall be sufficient Evidence to prove such former Conviction; and if any credible Person shall prove on Oath before a Justice of the Peace, or Person exercising like Authority according to the Laws of the Part of Her Majesty's Dominions in which the Offence shall be committed, a reasonable Cause to suspect that any Person has in his or her Possession, or on his or her Premises, any Property of the Description herein-before described, on or with respect to which any such Offence shall have been committed, such Justice may grant a Warrant to search for such Property, as in the Case of stolen Goods; and if upon such Search any such Property shall be found, the same shall and may be seized by the Officer charged with the Execution of such Warrant, who shall bring the Offender in whose Possession the same shall be found before the same or any other Justice of the Peace, to be dealt with according to Law: Provided always, that it shall be lawful for the Legislature of any of Her Majesty's Foreign Dominions, on the Recommendation of the Officer or Officers for the Time being administering the Government thereof, but not otherwise, to make Provision by Law for reducing such pecuniary Penalty, if not exceeding Twenty Pounds, to such Amount as may to such Legislature appear to be better adapted to the Ability and

and pecuniary Means of Her Majesty's Subjects and others inhabiting the same, which reduced Penalty shall be sued for and recovered in such and the same Manner as the full Penalty hereby imposed: Provided also, that it shall be competent to Her Majesty, or to the Person or Persons administering the Government of any such Foreign Dominions as aforesaid, to exercise, in respect of the Laws so to be passed as aforesaid, all such Powers and Authorities as are by Law vested in Her Majesty or in any such Officer or Officers as aforesaid in respect of any other Law made or enacted by any such Legislature.

Penalties upon Civil Subjects offending against the Laws relating to Billets.

LXXXV. If any Constable or other Person who by virtue of this Act shall be employed in billeting any Officers or Soldiers in any Part of the United Kingdom shall presume to billet any such Officer or Soldier in any House not within the Meaning of this Act, without the Consent of the Owner or Occupier thereof; or shall neglect or refuse to billet any Officer or Soldier on Duty, when thereunto required, in such Manner as is by this Act directed, provided sufficient Notice be given before the Arrival of such Troops; or shall receive, demand, or agree for any Money or Reward whatsoever, in order to excuse any Person from receiving such Officer or Soldier; or shall quarter any of the Wives, Children, Men or Maid Servants of any Officers or Soldiers, in any such Houses, against the Consent of the Occupiers; or shall neglect or refuse to execute such Warrants of the Justices as shall be directed to him for providing Carriages, Horses, or Vessels, or shall demand more than the legal Rates for the same; or if any Person ordered by any Constable in manner herein-before directed to provide Carriages, Horses, or Vessels shall refuse or neglect to provide the same according to the Orders of such Constable, or shall do any Act or Thing by which the Execution of any Warrants for providing Carriages, Horses, or Vessels shall be hindered; or if any Constable shall neglect to deliver in to the Justices at Quarter Sessions Lists of Officers and Soldiers of the Foot Guards quartered according to the Provisions of this Act, or shall wilfully cause to be delivered defective Lists of the same; or if any Person liable by this Act to have any Officer or Soldier quartered upon him shall refuse to receive and to afford proper Accommodation or Diet in the House in which such Officer or Soldier is quartered, and to furnish the several Things directed to be furnished to Officers and Soldiers, or shall neglect or refuse to furnish good and sufficient Stables, together with good and sufficient Oats, Hay, and Straw in *Great Britain* and *Ireland* for each Horse, in such Quantities and at such Rates as herein-before provided; or if any Innkeeper or Victualler not having good and sufficient Stables shall refuse to pay over to the Person or Persons who

who may provide Stabling such Allowance by way of Compensation as shall be directed by any Justice of the Peace, or shall pay any Sum or Sums of Money to any Soldier on the March in lieu of furnishing in Kind the Diet and Small Beer to which such Soldier is entitled; or if any Toll Collector shall demand and receive Toll from any of Her Majesty's Officers or Soldiers, on Duty or on their March, for themselves or for their Horses, or from any Recruits marching by Route, or from any Prisoners under Military Escort, or from any enrolled Pensioners in Uniform, when called out for Training or in aid of the Civil Power, or for any Carriages or Horses belonging to Her Majesty, or employed in Her Service under the Provisions of this Act, or in any of Her Majesty's Colonies, when conveying Persons or Baggage or returning therefrom, every such Constable, Victualler, Toll Keeper, or other Person respectively shall forfeit for every such Offence, Neglect, or Refusal any Sum not exceeding Five Pounds nor less than Forty Shillings; and if any Person shall personate or represent himself to be a Soldier or a Recruit, with the view of fraudulently obtaining a Billet, or Money in lieu thereof, he shall for every such Offence forfeit any Sum not exceeding Five Pounds nor less than Twenty Shillings.

Penalty on Toll Collectors demanding Toll from Officers, Soldiers, or for Carriages;

and on Persons personating Soldiers, &c.

Penalties upon the Military offending against the Law relating to Billets.

LXXXVI. If any Military Officer shall take upon himself to quarter Soldiers otherwise than is limited and allowed by this Act, or shall use or offer any Menace or Compulsion to or upon any Mayor, Constable, or other Civil Officer, tending to deter and discourage any of them from performing any Part of their Duty under this Act, or tending to induce any of them to do anything contrary to their said Duty, such Officer shall for every such Offence (being thereof convicted before any Two or more Justices of the County by the Oath of Two credible Witnesses) be deemed and taken to be thereupon cashiered, and shall be utterly disabled to hold any Military Employment in Her Majesty's Service; provided that a Certificate of such Conviction shall be transmitted by One of the said Justices to the Judge Advocate in *London*, who is hereby required to certify the same to the Commander-in-Chief and Secretary-at-War, and that the said Conviction be affirmed at some Quarter Sessions of the Peace of the said County held next after the Expiration of Three Months after such Certificate of the Justice shall have been transmitted as aforesaid; and if any Military Officer shall take, or knowingly suffer to be taken, from any Person, any Money or Reward for excusing the quartering of Officers or Soldiers, or shall billet any of the Wives, Children, Men or Maid Servants of any Officer or Soldier, in any House, against the Consent of the Occupier, he shall, upon being convicted thereof before a General Court-martial, be cashiered; and if any Officer shall

shall constrain any Carriage to travel beyond the Distance specified in the Justice's Warrant, or shall not discharge the same in due Time for their Return Home on the same Day, if it be practicable, except in the Case of Emergency for which the Justice shall have given Licence, or shall compel the Driver of any Carriage to take up any Soldier or Servant (except such as are sick) or any Woman to ride therein, except in the Cases of Emergency as aforesaid, or shall force any Constable, by threatening Words, to provide Saddle Horses for himself or Servants, or shall force Horses from their Owners, or in *Ireland* shall force the Owner to take any Loading until the same shall be first duly weighed, if the same can be done within reasonable Time, or shall, contrary to the Will of the Owner or his Servant, permit any Person whatsoever to put any greater Load upon any Carriage than is directed by this Act, such Officer shall forfeit for every Offence any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalty on killing Game without Leave.

LXXXVII. For the better Preservation of Game and Fish in or near Places where any Officers shall at any Time be quartered, be it enacted, That every Officer who shall, without Leave in Writing from the Person or Persons entitled to grant such Leave, take, kill, or destroy any Game or Fish in the United Kingdom of *Great Britain* and *Ireland*, shall for every such Offence forfeit the Sum of Five Pounds.

Form of Actions at Law.

LXXXVIII. Any Action which shall be brought against any Person for anything to be done in pursuance of this Act shall be brought within Six Calendar Months after the doing thereof, and it shall be lawful for every such Person to plead thereunto the General Issue Not Guilty, and to give all special Matter in Evidence to the Jury; and if the Verdict shall be for the Defendant in any such Action, or the Plaintiff therein become nonsuited, or suffer any Discontinuance thereof, or if in *Scotland* such Court shall see fit to assoilzie the Defendant or dismiss the Complaint, the Court in which the said Matter shall be tried shall allow unto the Defendant Treble Costs, for which the said Defendant shall have the like Remedy as in other Cases where Costs are by Law given to Defendants; and every Action against any Person for anything done in pursuance of this Act, or against any Member or Minister of a Court-martial in respect of any Sentence of such Court, or of anything done by virtue or in pursuance of such Sentence, shall be brought in some One of the Courts of Record at *Westminster* or in *Dublin*, or in the Court of Session in *Scotland*, and in no other Court whatsoever.

Recovery of Penalties.

LXXXIX. All Offences for which any Penalties and Forfeitures are by this Act imposed, not exceeding Twenty Pounds, over and above any Forfeiture of Value or Treble Value, shall and may be determined, and such Penalties and Forfeitures and Forfeiture of Value or Treble Value recovered, in every Part of the United Kingdom, by and before One or more Justice or Justices of the Peace, under the Provisions of an Act passed in the Eleventh and Twelfth Years of the Reign of Her Majesty Queen *Victoria*, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within* England *and* Wales *with respect to summary Convictions and Orders:* Provided always, that in all Cases in which there shall not be sufficient Goods whereon any Penalty or Forfeiture can be levied, the Offender may be committed and imprisoned for any Time not exceeding Six Calendar Months; which said recited Act shall be used and applied, in *Scotland* and in *Ireland*, for the Recovery of all such Penalties and Forfeitures, as fully to all Intents as if the said recited Act had extended to *Scotland* and *Ireland*, anything in the said recited Act, or in an Act passed in the Fourteenth and Fifteenth Years of the Reign of Her Majesty Queen *Victoria*, intituled *An Act to consolidate and amend the Acts regulating the Proceedings at Petty Sessions, and the Duties of Justices of the Peace out of Quarter Sessions, in* Ireland, to the contrary notwithstanding; and all such Offences committed in the *British Isles*, or in any of Her Majesty's Dominions beyond the Seas, may be determined, and the Penalties and Forfeitures and Forfeiture of Value or Treble Value recovered, before any Justices of the Peace, or Persons exercising like Authority, according to the Laws of the Part of Her Majesty's Dominions in which the Offence shall be committed; and all Penalties and Forfeitures by this Act imposed exceeding Twenty Pounds shall be recovered by Action in some of the Courts of Record at *Westminster* or in *Dublin*, or in the Court of Session in *Scotland*, and in no other Court in the United Kingdom, and may be recovered in the *British Isles*, or in any other Parts of Her Majesty's Dominions, in any of the Royal or Superior Courts of such Isles or other Parts of Her Majesty's Dominions.

11 & 12 Vict. c. 43.

14 & 15 Vict. c. 93.

Appropriation of Penalties.

XC. One Moiety of every Penalty, not including any Treble Value of any Articles adjudged or recovered under the Provisions of this Act, shall go to the Person who shall inform or sue for the same, and the Remainder of the Penalty, together with the Treble Value of any Articles, or, where the Offence shall be proved by the Person who shall inform, the whole of the Penalty, shall be paid to the General Agent for the Recruiting Service in *London*, to be at the Disposal of the Secretary-at-War, anything in an

Act

Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, or in any other Act or Acts, to the contrary notwithstanding; and every Justice who shall adjudge any Penalty under this Act shall, within Four Days at the farthest, report the same to the Secretary-at-War. 5 & 6 W. 4. c. 76.

XCI. Any Justice in the United Kingdom within whose Jurisdiction any Soldier in Her Majesty's Army, or on the permanent Staff of the Militia, having a Wife or Child, shall be billeted, may summon such Soldier before him in the Place where he is billeted, (which Summons he is hereby directed to obey,) and take his Examination in Writing, upon Oath, touching the Place of his last legal Settlement, and such Justice shall give an attested Copy of such Examination to the Person examined, to be by him delivered to his Commanding Officer, to be produced when required; which said Examination and such attested Copy thereof shall be at any Time admitted as good and legal Evidence of such last legal Settlement before any Justices or at any General or Quarter Sessions, although such Soldier be dead or absent from the Kingdom; provided that in case any Soldier shall be again summoned to make Oath as aforesaid, then, on such Examination or such attested Copy thereof being produced by him or by any other Person on his Behalf, such Soldier shall not be obliged to take any other Oath with regard to his legal Settlement, but shall leave a Copy of such Examination, or a Copy of such attested Copy of Examination, if required; provided also, that when no such Examination shall have been required, the Statement made on Oath by the Recruit on his Attestation of his Place of Birth shall be taken to be his last Place of Settlement until legally disproved. Mode of recording a Soldier's Settlement

XCII. When any Person shall hold any Canteen under proper Authority of the War Department, it shall be lawful for any Two Justices within their respective Jurisdictions to grant or transfer any Beer, Wine, or Spirit Licence to such Persons, without regard to Time of Year or to the Notices or Certificates required by any Act in respect of such Licences; and the Commissioners of Excise, or their proper Officers within their respective Districts, shall also grant such Licences as aforesaid; and such Persons so holding Canteens, and having such Licences, may sell therein Victuals and Exciseable Liquors, as empowered by such Excise Licence, without being subject to any Penalty or Forfeiture. Licences of Canteens.

XCIII. All Muster Rolls and Accounts and Pay and Pension Lists which are required to be verified by Declaration shall be so verified and Attestation of Accounts.

and attested free of Stamp Duty and without Fee or Reward paid for such Declaration or Attestation.

Commissaries, &c. to attest their Accounts.

XCIV. All Commissaries, Regimental Paymasters, and all other Accountants for Military Services, Storekeepers, and Barrack Masters, upon making up their Accounts, and all Commissaries and Storekeepers upon returning from any Foreign Service, shall severally make the respective Declarations described in the Schedule to this Act annexed; which Declarations, if made in any Part of the United Kingdom, shall be made before some Justice, or other Person authorized to administer Oaths and Declarations, and if made on Foreign Service, shall be made before the Officer commanding in chief, or the Second in Command, or the Quartermaster or Deputy Quartermaster General or any Assistant Quartermaster General of the Army who shall respectively have Power to administer and receive the same.

Administration of Oaths.

Perjury.

XCV. All Oaths and Declarations which are authorized and required by this Act may be administered (unless where otherwise provided) by any Justice of the Peace, or other Person having Authority to administer Oaths and Declarations; and any Person taking a false Oath or Declaration where an Oath or Declaration is authorized or required by this Act shall be deemed guilty of wilful and corrupt Perjury, or of wilfully making a false Declaration, and being thereof duly convicted shall be liable to such Pains and Penalties as by Law any Person convicted of wilful and corrupt Perjury is subject and liable to; and every Commissioned Officer convicted before a General Court-martial of Perjury, or of wilfully making a false Declaration, shall be cashiered, and every Soldier or other Person amenable to the Provisions of this Act, found guilty thereof by a General, District, or Garrison Court-martial, shall be punished at the Discretion of such Court.

Offences against former Mutiny Acts and Articles of War.

XCVI. All Crimes and Offences which have been committed against any former Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, or against any of the Articles of War made and established by virtue of the same, may, during the Continuance of this Act, be tried and punished in like Manner as if they had been committed against this Act; and every Warrant for holding any Court-martial under any former Act shall remain in full Force, and all Proceedings of Courts-martial convened and held under any such Warrant shall be continued, notwithstanding the Expiration of such Act: Provided always, that no Person shall be liable to be tried or punished for any Offence against any of the said Acts or Articles of War which shall appear to have been committed more than Three Years before the Date of the Warrant

rant for such Trial, unless the Person accused, by reason of his having absented himself, or of some other manifest Impediment, shall not have been amenable to Justice within that Period, in which Case such Person shall be liable to be tried at any Time not exceeding Two Years after the Impediment shall have ceased.

Duration of this Act.

XCVII. This Act shall be and continue in force within *Great Britain* from the Twenty-fifth Day of *April* One thousand eight hundred and sixty inclusive until the Twenty-fifth Day of *April* One thousand eight hundred and sixty-one; and shall be and continue in force within *Ireland*, and in *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Isle of Man* and the Islands thereto belonging, from the First Day of *May* One thousand eight hundred and sixty inclusive until the First Day of *May* One thousand eight hundred and sixty-one; and shall be and continue in force within the Garrison of *Gibraltar*, the *Mediterranean*, and in *Spain* and *Portugal*, from the First Day of *August* One thousand eight hundred and sixty inclusive until the First Day of *August* One thousand eight hundred and sixty-one; and shall be and continue in force in all other Parts of Europe where Her Majesty's Forces may be serving, and in the *West Indies* and *America*, from the First Day of *September* One thousand eight hundred and sixty inclusive to the First Day of *September* One thousand eight hundred and sixty-one; and shall be and continue in force within the *Cape of Good Hope*, the *Isle of France* or *Mauritius* and its Dependencies, *Saint Helena*, and the Settlements on the Western Coast of *Africa*, from the First Day of *January* One thousand eight hundred and sixty-one inclusive until the First Day of *January* One thousand eight hundred and sixty-two; and shall be and continue in force within *British Columbia* and *Vancouver's Island*, from the Date of the Promulgation thereof in General Orders there inclusive until the First Day of *January* One thousand eight hundred and sixty-two; and shall be and continue in force in all other Places from the First Day of *February* One thousand eight hundred and sixty-two inclusive until the First Day of *February* One thousand eight hundred and sixty-three: Provided always, that this Act shall, from and after the Receipt and Promulgation thereof in General Orders in any Part of Her Majesty's Dominions or elsewhere beyond the Seas, become and be in full Force, anything herein stated to the contrary notwithstanding.

SCHEDULES referred to by the foregoing Act.

NOTICE to be given to a RECRUIT at the Time of his ENLISTMENT.

Date 186 .

A. B.

TAKE Notice, That you enlisted with at o'Clock* on the Day of for the Regiment [*instead of the Words* "for the Regiment," *any Words may be substituted which are applicable to the Case*], and if you do not come forward on or before o'Clock* on the Day of for the Purpose of being taken before a Justice, either to be attested or to release yourself from your Engagement by repaying the Enlisting Shilling and any Pay you may have received as a Recruit, and by paying Twenty Shillings as Smart Money, you will be liable to be punished as a Rogue and Vagabond.

You are hereby also warned that you will be liable to the same Punishment if you make any wilfully false Representation at the Time of Attestation.

Signature of the Non-commissioned Officer serving the Notice.

A.M. or P.M., as the Case may be.

DECLARATION to be made by RECRUIT on ATTESTATION.

I of the Parish of in or near the Town of in the County of , do solemnly and sincerely declare, That I am to the best of my Knowledge and Belief Years of Age; that I am not an Apprentice; that I am not married; that I do not belong to the Militia, or to the Naval Coast Volunteers, or to any Portion of Her Majesty's Land or Sea Forces; that I have never served Her Majesty by Land or Sea in any Military or Naval Employment whatsoever, except ; that I have never been marked with the Letter D; that I have never been

been rejected as unfit for Her Majesty's Service on any previous Enlistment; that I was enlisted at on the Day of 186 , at o'Clock M. by of , and that I have read [*or* had read to me] the Notice then given to me and understood its Meaning; that I enlisted for a Bounty of and a free Kit, and have no Objection to make to the Manner of my Enlistment; that I am willing to be attested to serve in the Regiment of [*instead of the Words* "in the Regiment," *any Words may be substituted which are applicable to the Case in or for whatever Part of Her Majesty's Dominions the Enlistment may be made*] for the Term of [*the Blank after the Words* "Term of" *to be filled up with Ten Years for Infantry and Twelve for Cavalry or Artillery or other Ordnance Corps, if the Person enlisted is of the Age of Eighteen Years or upwards; but if under that Age, then the Difference between his Age and Eighteen is to be added to such Ten or Twelve Years* (*as the Case may be*)], provided Her Majesty should so long require my Services, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station.

_____ *Signature of Recruit.*
_____ *Signature of Witness.*
_____ *Signature of Justice.*

OATH to be taken by a RECRUIT on ATTESTATION.

I do make Oath, That I will be faithful and bear true Allegiance to Her Majesty, Her Heirs and Successors, and that I will, as in Duty bound, honestly and faithfully defend Her Majesty, Her Heirs and Successors, in Person, Crown, and Dignity, against all Enemies, and will observe and obey all Orders of Her Majesty, Her Heirs and Successors, and of the Generals and Officers set over me. So help me GOD.

Witness my Hand, _____ *Signature of Recruit.*
_____ *Witness present.*

The above Declaration and Oath were made before me at this Day of One thousand eight hundred and at o'Clock.

Signature of Justice _____

DECLARATION

DECLARATION to be made by a SOLDIER, or PERSON having been a SOLDIER, on renewing his Service.

I do declare, That I am at present (*or* was, *as the Case may be,*) in Captain Company in the Regiment [*the foregoing Portion of this Declaration may be altered to suit each particular Case*]; that I enlisted on the Day of for a Term of Years; that I am of the Age of Years; and that I will serve Her Majesty, Her Heirs and Successors, for a further Term of Years [*to be filled up with Eleven Years in the Infantry, or Twelve in the Cavalry, or Nine in the Artillery or Engineers, and, in the Case of a Soldier about to embark for Foreign Service, with such Number of Years as shall be required to complete a total Service of Twenty-one Years in the Artillery, Engineers, and Infantry, or Twenty-four in the Cavalry,*] provided my Services should so long be required, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station.

Declared before me _____

_____ *Signature of Soldier.*

_____ *Signature of Witness.*

FORM of OATH to be taken by a MASTER whose APPRENTICE has absconded.

I of do make Oath, That I am by Trade a and that was bound to serve as an Apprentice to me in the said Trade, by Indenture dated the Day of for the Term of Years; and that the said did on or about the Day of abscond and quit my Service without my Consent; and that to the best of my Knowledge and Belief the said is aged about Years. Witness my Hand at the Day of One thousand eight hundred and

Sworn before me at this Day of One thousand eight hundred and

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FORM

FORM of JUSTICE'S CERTIFICATE to be given to the MASTER of an APPRENTICE.

to wit. } I One of Her Majesty's Justices of the Peace of certify, That of came before me at the Day of One thousand eight hundred and , and made Oath that he was by Trade a , and that was bound to serve as an Apprentice to him in the said Trade, by Indenture dated the Day of for the Term of Years; and that the said Apprentice did on or about the Day of abscond and quit the Service of the said without his Consent, and that to the best of his Knowledge and Belief the said Apprentice is aged about Years.

FORM of OATH to be taken by a MASTER whose indentured LABOURER in any of Her Majesty's Colonies or Possessions has absconded.

I of do make Oath, That was bound to me to serve as an indentured Labourer by Indenture dated the Day of for the Term of Years, and that the said did on or about the Day of abscond and quit my Service without my Consent.

Witness, *&c.* [*as for Apprentice.*]

FORM of JUSTICE'S CERTIFICATE to be given to the MASTER of an indentured LABOURER.

to wit. } I One of Her Majesty's Justices of the Peace of certify, That of came before me at the Day of and made Oath that was bound to serve as an indentured Labourer to him by Indenture dated the Day of for the Term of Years, and that the said indentured Labourer did on or about the Day of abscond and quit the Service of the said without his Consent.

FORM of DECLARATION of ATTESTATION of a COMMISSARY'S ACCOUNTS.

I do solemnly and sincerely declare, That I have not applied any Monies or Stores or Supplies under my Care or Distribution to my own Use, or to the private Use of any other Person by way of Loan to such Person or otherwise, or in any Manner applied them, or knowingly permitted them to be applied, to any other than Public Purposes, according to the Duty of my Office.

Declared before me by the within-named }
this Day of }

Justice of the Peace of
or *Commander in Chief*, or *Second in Command, et cætera, the Army serving in et cætera* [*as the Case may be*].

FORM of DECLARATION of ATTESTATION of a STOREKEEPER'S ACCOUNTS.

I , Storekeeper at , do hereby solemnly and sincerely declare, That I have charged myself in this Account with the several Sums drawn for or received by me on Imprests, or for Rents, Sale of old Stores, or for any other Article or Service; that they are just and true, and include every Sum for which I am accountable during the Period stated. I also solemnly declare, that I have not, directly or indirectly, received any Profit, Fee, Emolument, or Advantage whatever beyond my Salary and authorized Allowances, except the trifling Advantage which may have arisen in respect to the fractional Parts of a Penny in the Totals of the Pay Lists, as sanctioned by the Regulations of 19th December 1832 $\frac{8}{1176}$ (See Art. 246, at Page 65, of Home Regulations); and I further solemnly declare, that the several Sums of Money for which I have taken Credit as Disbursements in this Account, amounting to , have been actually and bonâ fide paid by me for the respective Services, without any Deductions, to the several Persons entitled to the same, and that the Receipts which accompany this Account have been actually signed and witnessed by the Persons stated therein; and I make this Declaration, conscientiously believing the same to be true.

_____,
Storekeeper at _____

Declared before me at
this Day of 18 .

_____,
Magistrate for _____

FORM

FORM of DECLARATION of ATTESTATION of a BARRACK MASTER'S ACCOUNTS.

I , Barrack Master of the Barracks at , do hereby solemnly and sincerely declare, That I have charged myself in this Account with the several Sums drawn for or received by me on Imprests, or for Rents, Damages, and Deficiencies, washing Sheets, or for any other Article or Service; that they are just and true, and include every Sum for which I am accountable during the Period stated. I also solemnly declare, that I have not, directly or indirectly, received any Profit, Fee, Emolument, or Advantage whatever from or on account of the Purchase or Issue of any of the Articles for the Service of the said Barracks, nor have I any Property in Lands, Houses, Tenements, or any Article used or employed in the Service of the War Department; and I further solemnly declare, that the several Sums of Money for which I have taken Credit as Disbursements in this Account, amounting to , have been actually and bonâ fide paid by me for the respective Services, without any Deductions, to the several Persons entitled to the same, and that the Receipts which accompany this Account have been actually signed and witnessed by the Persons stated therein; and I make this Declaration, conscientiously believing the same to be true.

_____,
Barrack Master at _____

Declared before me at
this Day of 18 ..

_____,
Magistrate for _____.

FORM of DECLARATION of ATTESTATION of a PAYMASTER'S ACCOUNTS.

I do solemnly and sincerely declare, That the foregoing Pay List of the Regiment of , for the Period ended , 186 , contains Charges of Pay for only such Non-commissioned Officers, Drummers, Fifers, Buglers, and Privates as were effective and entitled to Pay during, and regularly mustered at, the Periods set against their Names; that all those Men who were not present at the respective Musters taken by me on the , the , and the have the true Reasons of their Absence stated against their Names; and that every Absence affecting the Pay or Allowances of such Men which occurred between the respective Musters is properly accounted for.

Also,

Also, that the List of Commissioned Officers prefixed to the said Pay List contains a true and just Statement of the Names of all the Commissioned Officers who have been effective and entitled to Pay as belonging to the said Regiment for the Periods therein set down against their respective Names; also, that all the Remarks opposite to their Names on the Muster Roll have been correctly copied therein; and that the Sum debited in the general State of this Pay List for the Pay of Officers has been actually received by me and paid to them respectively.

Also, that the whole of the Sums debited in this Pay List and Account, amounting to , have been actually and bonâ fide disbursed by me in conformity with the established Regulations, and that the total Sum received, drawn for, or required to be remitted for the several Services therein charged, including every Receipt whatever, for which I am required to give Credit in these Accounts, is .

Also, that the Statement at the Foot of this Page contains a full and correct List of all Abstracts of Examination, and of all Decisions on Abstracts of Examination, of the Pay List of this Regiment received between the of 186 (the Date of the last Pay List transmitted to the War Office being that for the Period ended the 186) and the of 186 , the Date of this Pay List.

Also, that the total Amount of the Sums disallowed in the said Decisions is credited in this Pay List, in conformity with Article 21 of the explanatory Directions, dated the 1st July 1848.

Also, that to the best of my Knowledge and Belief, both my Sureties are now living; that the Property of each is at least double that for which he is Surety; and that they respectively reside at the Places under mentioned.

Names of Sureties.	Places of Residence.

Declared and subscribed before me at this Day of 186 .

_____ *Paymaster.*

_____ *Justice of the Peace for* _____.

Witnesses { _____ *Commanding Officer.*
_____ *Adjutant.*

FORM

FORM of DECLARATION of ATTESTATION of the ACCOUNTS of a MILITARY ACCOUNTANT.

I HEREBY solemnly and sincerely declare, That this Account, comprised in . Folios, is just and true, according to the best of my Knowledge, Information and Belief; and I make this Declaration, conscientiously believing the same to be true.

Declared before me, at , this . Day of 18 . } _____ *Military Accountant.* _____ *Justice of the Peace for* _____.

Mutiny.

No.

DESCRIPTION RETURN of who was apprehended [*or "surrendered himself," as the Case may be,*] on the Day of and was committed to Confinement at on the Day of as a Deserter from [*insert Regiment or Corps*].

Age - - - - -	
Height - - - -	Feet. Inches.
Complexion - - - -	
Hair - - - - -	
Eyes - - - - -	
Marks - - - -	
Probable Date of Enlistment, and where	
Probable Date of Desertion, and from what Place - - - -	
* Name and Occupation and Address of the Person by whom apprehended	
* Particulars in the Evidence on which the Prisoner is committed, and showing whether he surrendered or was apprehended, and in what Manner, and upon what Grounds	

* It is important for the Public Service, and for the Interest of the Deserter, that this Part of the Return should be accurately filled up, and the Details should be inserted by the Magistrate in his own Handwriting, or, under his Direction, by his Clerk.

I do hereby certify, that the Prisoner has been duly examined before me as to the Circumstance herein stated, and has declared in my Presence that he † a Deserter from the above-mentioned Corps.

——————*Signature and Address of Magistrate.*

——————*Signature of Prisoner.*

——————*Signature of Informant.*

† Insert "is" or "is not," as the Case may be.

I certify, that I have inspected the Prisoner, and consider him ‡ for Military Service.

——————*Signature of Military Medical Officer, or of § Private Medical Practitioner.*

‡ Insert "fit" or "unfit," as the Case may be; and if unfit, state the Cause of Unfitness.

§ No Fee will be allowed to a Private Medical Practitioner where a Military Medical Officer is stationed, unless it is shown that his Services were not available.

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Printers to the Queen's most Excellent Majesty. 1860.

ANNO VICESIMO TERTIO

VICTORIÆ REGINÆ.

***

Order and Discipline, be brought to a more exemplary and speedy Punishment than the usual Forms of the Law will allow: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Lord High Admiral, &c. may make Articles for the Punishment of Mutiny, Desertion, &c.

I. It shall be lawful for the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral aforesaid, from Time to Time to make, ordain, alter, and establish Rules and Articles of War, under the Hand of the said Lord High Admiral, or under the Hands of any Two or more of the said Commissioners, for the better Government of Her Majesty's Royal Marine Forces, and for the Punishment of Mutiny, Desertion, Immorality, Breach of Discipline, Misbehaviour, Neglect of Duty, and any other Offence or Misconduct of which they shall be guilty, in any Place on shore or afloat in or out of Her Majesty's Dominions, or at any Time when or under any Circumstances in which they shall not be amenable to the Laws for the Government of Her Majesty's Ships, Vessels, and Forces by Sea, and for regulating the Proceedings of Courts-martial, which Rules and Articles shall be judicially taken notice of by all Judges and in all Courts whatsoever; and Copies of the same shall, as soon as conveniently may be after the same shall have been made, be transmitted by the Secretary of the Admiralty for the Time being (certified under his Hand) to the Judges of Her Majesty's Superior Courts at *Westminster*, *Dublin*, and *Edinburgh* respectively, and also to the Governors of Her Majesty's Dominions abroad; provided that no Person within the United Kingdom of *Great Britain* and *Ireland* or within the *British Isles* shall by such Articles of War be subject to suffer any Punishment extending to Life or Limb, or to be kept in Penal Servitude, except for Crimes which are by this Act expressly made liable to such Punishment as aforesaid, or shall be subject, with reference to any Crimes made punishable by this Act, to be punished in any Manner which may be inconsistent with the Provisions of this Act.

Offences against former Mutiny Acts and Articles of War.

II. All Crimes and Offences committed against any former Act made for the Regulation of the Royal Marine Forces while on shore, or against any of the Rules, Regulations, or Articles of War made and established by virtue of the same, may, during the Continuance of this Act, be tried, inquired of, and punished in like Manner as if they had been committed against this Act; and every Warrant for holding any Court-martial under any former Act shall remain in full Force notwithstanding the Expiration of such Act; and all Proceedings of any Court-martial upon any Trial begun under the Authority of

of such former Act shall not be discontinued by the Expiration of the same: Provided always, that no Person shall be liable to be tried and punished for any Offence against any of the said Acts or Articles of War which shall appear to have been committed more than Three Years before the Date of the Commission or Warrant for such Trial, unless the Person accused, by reason of his having absented himself, or of some other manifest Impediment, shall not have been amenable to Justice within that Period, in which Case such Person shall be liable to be tried at any Time not exceeding Two Years after the Impediment shall have ceased; and provided also, that if any Officer or Marine in any Place beyond the Seas shall commit any of the Offences punishable by Court-martial under this Act, and shall escape and come or be brought into this Realm before he be tried for the same, he shall, when apprehended, be tried for the same as if such Offence had been committed within this Realm.

Limitation as to Time.

III. This Act shall extend to the Islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Man*, and the Islands thereto belonging, as to the Provisions herein contained for enlisting of Recruits, whether Minors or of full Age, and swearing and attesting such Recruits, and for mustering and paying, and to the Provisions for Trial and Punishment of Officers and Marines who shall be charged with Mutiny and Desertion or any other of the Offences which are by this Act declared to be punishable by the Sentence of a Court-martial, and also to the Provisions which relate to the Punishment of Persons who shall conceal Deserters, or shall knowingly buy, exchange, or otherwise receive any Arms, Medals for Good Conduct or for distinguished or other Service, Clothes, Military Furniture, or Regimental Necessaries from any Marine or Deserter, or who shall cause the Colour of any such Clothes to be changed; and also to the Provisions for exempting Marines from being taken out of Her Majesty's Service for not supporting or for leaving chargeable to any Parish any Wife or Child or Children, or on account of any Breach of Contract to serve or work for any Employer, or on account of any Debts under Thirty Pounds in the said Islands.

Provisions of this Act to extend to Jersey, &c.

IV. Nothing in this Act contained shall be construed to extend to exempt any Officer or Marine from being proceeded against by the ordinary Course of Law when accused of Felony or Misdemeanor, or of any Misdemeanor other than the Misdemeanor of refusing to comply with an Order of Justices for the Payment of Money; and any Commanding Officer who shall neglect or refuse, when due Application shall be made to him for that Purpose, to deliver over to the Civil Magistrate any Officer or Marine, or who shall wilfully obstruct, neglect, or refuse to assist any Peace Officer in apprehending any such Offender, shall,

The ordinary Course of Law not to be interfered with.

shall, upon Conviction thereof in any of Her Majesty's Courts at *Westminster*, *Dublin*, or *Edinburgh*, be deemed to be thereupon cashiered, and shall be utterly disabled to hold any Civil or Military Office or Employment in Her Majesty's Service; and a Certificate of such Conviction shall be transmitted to the Secretary of the Admiralty.

No Person tried by Civil Power to be punished by Court-martial for same Offence except by cashiering, &c.

V. No Person subject to this Act having been acquitted or convicted of any Crime or Offence by the Civil Magistrate or by the Verdict of a Jury, shall be liable to be again tried for the same Crime or Offence by a Court-martial, or to be punished for the same otherwise than by cashiering in the Case of a Commissioned Officer, or in the Case of a Warrant Officer by Reduction to an inferior Class, or to the Rank of a Private Marine by Order of the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, or in the Case of a Non-commissioned Officer, by Reduction to the Ranks, by Order of the Commandant of the Division to which such Non-commissioned Officer may belong; and whenever any Officer or Marine shall have been tried before a Court of ordinary Criminal Jurisdiction, the Clerk of the Court or other Officer having the Custody of the Records of such Court, or the Deputy of such Clerk, shall, if required by the Officer commanding the Division to which such Officer or Marine belongs, transmit to him a Certificate containing the Substance and Effect only, omitting the formal Part, of the Indictment, Conviction, and Entry of Judgment thereon or Acquittal of such Officer or Marine, and shall be allowed for such Certificate a Fee of Three Shillings.

Marines to be subject to the Discipline of the Navy while on board Ship.

VI. All of Her Majesty's Royal Marine Forces shall, during the Time they shall be respectively borne on the Books of or be on board any of Her Majesty's Ships or Vessels in Commission, either as Part of the Complement or as Supernumeraries, or otherwise, be subject and liable in every respect to the Laws for the Government of Her Majesty's Forces by Sea, and to the Rules and Discipline of the Royal Navy for the Time being, and shall and may be proceeded against and punished for Offences committed by them whilst so borne or on board, in the same Manner as the Officers and Seamen employed in the Royal Navy may be tried or punished; except when and so long as any Marine Officers or Marines shall be landed from any of Her Majesty's Ships, and be employed in Military Operations on shore, and when on such Occasions the senior Naval Officer present shall deem it expedient to issue an Order declaring that such Marine Officers and Marines shall during such Employment on shore be subject to the Regulations of this Act, in which Cases, and while such Order shall remain in force, they shall be subject to such Regulations,

Regulations, and be tried and punished under this Act accordingly, for any Offences to be committed by them while so on shore; and with or without any Commission or Warrant from the said Lord High Admiral or the said Commissioners for that Purpose, the Officer commanding in chief or commanding for the Time being any such Marine Officers or Marines shall have Power and Authority to convene, and to authorize any Officer to convene, Courts-martial under this Act, as Occasion may require, for the Trial of Offences committed by any of the Royal Marine Forces, whether the same shall have been committed before or after such Officer shall have taken upon himself such Command: Provided always, that if any Marine Officer or Marine so borne on the Books of any of Her Majesty's Ships or otherwise shall commit any Offence for which he shall not be amenable to a Naval Court-martial, he may be tried and punished for the same in the same Manner as other Officers or Marines may be tried and punished for the like Offences under the Authority of this Act; or if the Commissioners for executing the Office of Lord High Admiral aforesaid so direct, he may be so tried and punished for any Offence committed by him on shore, whether he be or be not amenable to a Naval Court-martial for the same.

Lord High Admiral, &c. may grant Commissions for holding General Courts-martial, &c.

VII. It shall be lawful for the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral aforesaid, from Time to Time to grant Commissions or Warrants under the Hand of the said Lord High Admiral, or under the Hands of any Two or more of the said Commissioners, for the holding of General and other Courts-martial within the United Kingdom of *Great Britain* and *Ireland*, and elsewhere out of the same, in like Manner as has been heretofore used, and for bringing Offenders against this Act and the Articles of War to Justice, and to erect and constitute Courts-martial, as well within the said United Kingdom and the *British Isles* as in any of Her Majesty's Garrisons or Dominions or elsewhere beyond the Seas, and to grant Commissions or Warrants to the Officer or Officers commanding in chief or commanding for the Time being any of Her Majesty's Royal Marine Forces, as well within the said United Kingdom as Her Majesty's other Dominions, and in any Foreign Parts out of the same Dominions, for convening, as well as for authorizing any Officer to convene, Courts-martial, as Occasion may require, for the Trial of Offences committed by any of the Royal Marine Forces, whether the same shall have been committed before or after such Officer shall have taken upon himself such Command, or before or after any such Commission or Warrant shall be granted, provided that the Officer so authorized be not below the Degree of a Field Officer, except in detached Situations beyond Seas, where a Captain may be

be authorized to convene District or Garrison Courts-martial; and any Person subject to this Act who shall, in any of Her Majesty's Dominions or elsewhere, commit any of the Offences for which he may be liable to be tried by Court-martial by virtue of this Act or of the Articles of War, may be tried and punished for the same in any Part of Her Majesty's Dominions, or other Place where he may have come or be after the Commission of the Offence, as if the Offence had been committed where such Trial shall take place.

Place where Offenders may be tried.

Power of General Courts-martial

VIII. Every General Court-martial convened within the United Kingdom or the *British Isles* shall consist of not less than Thirteen Commissioned Officers, and shall have Power to sentence any Officer of Marines or Marine to suffer Death, Penal Servitude, Imprisonment, Forfeiture of Pay or Pension, or any other Punishment which shall accord with the Usage of the Service; but no Judgment of Death by a Court-martial shall pass unless Two Thirds at least of the Officers present shall concur therein.

Powers of District or Garrison Courts-martial.

IX. Every District or Garrison Court-martial convened within the United Kingdom or the *British Isles* shall consist of not less than Seven Commissioned Officers, and shall have the same Power as a General Court-martial to sentence any Marine to such Punishments as shall accord with the Provisions of this Act; provided that the Sentence of a District or Garrison Court-martial shall be confirmed by the General Officer, Governor, or Senior Officer in Command of the District, Garrison, Island, or Colony, and that no such District or Garrison Court-martial shall have Power to try a Commissioned Officer, or to pass any Sentence of Death or Penal Servitude.

Powers of Divisional and Detachment Courts-martial.

X. A Divisional or Detachment Court-martial shall consist of not less than Five Commissioned Officers, unless it be found impracticable to assemble that Number, in which Case Three shall be sufficient, and shall have Power to sentence any Marine to Corporal Punishment or to Imprisonment, and Forfeiture of Pay, in such Manner as shall accord with the Provisions of this Act.

Courts-martial on Line of March or in Transport Ships, &c.

XI. In Cases of Mutiny and gross Insubordination or of other Offences committed on the Line of March, or on board any Transport Ship, Convict Ship, or Merchant Vessel, the Offender may be tried by a Divisional or Detachment Court-martial, and the Sentence may be confirmed and carried into execution on the Spot by the Officer in immediate Command, provided that the Sentence shall not exceed that which a Divisional Court-martial is competent to award.

Powers of Detachment General

XII. It shall be lawful for any Officer commanding any Detachment or Portion of Her Majesty's Royal Marine Forces, upon Complaint

plaint made to him of any Offence committed against the Property or Person of any Inhabitant of or Resident in any Country in which Her Majesty's Royal Marine Forces are so serving, by any Person under the immediate Command of any such Officer, to summon and cause to be assembled a Detachment General Court-martial, which shall consist of not less than Three Commissioned Officers, for the Trial of any such Person, notwithstanding such Officer shall not have received any Warrant empowering him to assemble Courts-martial; and every such Court-martial shall have the same Powers in regard to summoning and examining Witnesses, Trial of and Sentence upon Offenders, as are granted by this Act to General Courts-martial: Provided always, that no Sentence of any such Detachment Court-martial shall be executed until the Officer commanding the Army to which the Division, Brigade, Detachment, or Party to which any Person so tried shall belong shall have approved and confirmed the same.

Courts-martial.

XIII. When it is necessary or expedient, a Court-martial composed exclusively of Officers of the Royal Marines, or a Court-martial composed of Officers of Her Majesty's Army, or of Her Majesty's *Indian* Army, or of both or of either, together with Officers of the Royal Marines, whether the Commanding Officer by whose Order such Court-martial is assembled belongs to the Land or to the Marine Forces, may try a Person belonging to any One of the said Three Services; provided that when the Person to be tried shall belong to Her Majesty's Royal Marine Forces, then the Provisions of this Act, or of such Act as shall be then and there in force for the Regulation of Her Majesty's Royal Marine Forces while on shore, and the Oaths therein respectively prescribed, and the Rules and Articles of War relating to the Royal Marines then and there in force, shall be applicable to such Court, and the Proceedings thereof and relating thereto; but where the Person to be tried shall belong to Her Majesty's Army, or shall belong to Her Majesty's *Indian* Army, and be within the United Kingdom, then the Proceedings of such Court shall be regulated as if the Court were composed of Officers of Her Majesty's Army only, and the Provisions of the Act then and there in force for the Punishment of Mutiny and Desertion, and for the better Payment of the Army and their Quarters, and the Oaths therein prescribed, and the Rules and Articles of War relating to Her Majesty's Army then and there in force, shall be applicable to such Court, and the Proceedings thereof and relating thereto; and where the Person to be tried shall belong to Her Majesty's *Indian* Army and be out of the United Kingdom, the Provisions of such Act or Acts as shall be then and there in force for punishing Mutiny and Desertion of Officers and Soldiers in Her Majesty's *Indian* Army, and the Rules and Articles of War, if any, relating to such Officers and

Officers of the Marine and Land Forces may sit in conjunction on Courts-martial.

and Soldiers then and there in force, shall be applicable to such Court, and the Proceedings thereof and relating thereto.

If no Superior Officer of Land Forces is present in Command of a District, &c., an Officer of Marines may convene a Court-martial.

XIV. Provided there be no Superior Officer of Her Majesty's Land Forces present in Command of a District, Garrison, Station, or Place where Marines may be serving, it shall be lawful for any Officer of the Royal Marine Corps, of the Degree of a Field Officer, and holding a Commission from the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, for that Purpose, but not otherwise, to convene or assemble a District or Garrison Court-martial, to be composed as before stated, and for such Court to proceed to try any Marine or Marines below the Rank of Commissioned Officer for any of the Offences cognizable by a District or Garrison Court-martial; but the Sentence so awarded by any such Court shall not be carried into effect until the Senior Officer of the Royal Marines in the District, Garrison, Station, or Place, not being a Member of the Court, shall have confirmed the same: Provided always, that if there be any such Superior Officer of Her Majesty's Land Forces present in Command of the District, Garrison, Station, or Place where Marines may be, in such Case it shall be lawful for him to convene or assemble such District or Garrison Court-martial for the Trial of any Marine or Marines below the Rank of a Commissioned Officer, and for such Court-martial to try any such Marine or Marines in conformity with the Provisions of this Act and the Articles of War to be made in pursuance hereof; but the Sentence which may be awarded by any such Court which may be convened or assembled by any such Superior Officer shall not be carried into effect until such Superior Officer shall have confirmed the same.

President of Court-martial.

XV. The President of every Court-martial shall be appointed by or under the Authority of the Officer convening such Courts, and shall in no Case be the confirming Officer, or the Officer whose Duty it has been to investigate the Charges on which the Prisoner is to be arraigned, nor in the Case of a General Court-martial, under the Degree of a Field Officer, unless where a Field Officer cannot be had, nor in any Case whatsoever under the Degree of a Captain, save in the Case of a Detachment General Court-martial holden out of Her Majesty's Dominions, or of a Divisional or Detachment Court-martial holden on the Line of March, or on board a Transport Ship, Convict Ship, Merchant Vessel, or Troop Ship not in Commission, or on any Foreign Station where a Captain cannot be had: Provided always, that in the Case of a Detachment General Court-martial holden out of Her Majesty's Dominions the Officer convening such Court may be the President thereof.

XVI. In

XVI. In all Trials by Court-martial, as soon as the President and other Officers appointed to serve thereon shall be assembled, their Names shall be read over in the Hearing of the Prisoner, who shall thereupon be asked if he objects to being tried by the President or by any of such Officers, and if the Prisoner shall then object to the President, such Objection, unless allowed by Two Thirds at least of the other Officers appointed to form the Court, shall be referred to the Decision of the Authority by whom such President shall have been appointed; but if he object to any Officer other than the President, such Objection shall be decided by the President and the other Officers so aforesaid appointed to form the Court; and when the Place of the President or other Officer in respect of whom any Challenge shall have been made and allowed shall be supplied by some Officer in respect of whom no Challenge shall be made or allowed, or if no Challenge whatever shall have been made, or, if made, not allowed, the President and the other Officers composing a General Court-martial shall take the Oaths in the Schedule to this Act annexed before the Judge Advocate or his Deputy, or Person officiating as Judge Advocate, and on Trials by other Courts-martial, before the President of such Court, who are hereby respectively authorized to administer the same, and any sworn Member may administer the Oath to the President; and as soon as the said Oaths shall have been administered to the respective Members, the President of the Court is hereby authorized and required to administer to the Judge Advocate, or the Person officiating as such, the Oath in the Schedule to this Act annexed; and no Proceeding or Trial shall be had upon any Offence but between the Hours of Eight of the Clock in the Morning and Four in the Afternoon, except in Cases which require an immediate Example, and except in the *East Indies*, where such Proceedings or Trial may be had between the Hours of Six in the Morning and Four in the Afternoon.

Proceedings at Trial.

XVII. All General and other Courts-martial shall have Power and Authority and are hereby required to administer an Oath to every Witness or other Person who shall be examined before such Court in any Matter relating to any Proceeding before the same; and every Person, as well Civil as Military, who may be required to give or produce Evidence before a Court-martial, shall, in the Case of General Courts-martial, be summoned by the Judge Advocate, or the Person officiating as such, and in the Case of all other Courts-martial by the President of the Court; and all Persons so summoned and attending as Witnesses before any Court-martial shall, during their necessary Attendance in or on such Courts, and in going to and returning from the same, be privileged from Arrest, and shall, if unduly arrested, be discharged by the Court out of which the Writ or Process issued by which such Witness was arrested;

Swearing and summoning Witnesses.

arrested; or if such Court be not sitting, then by any Judge of the Superior Courts of *Westminster* or *Dublin*, or of the Court of Session in *Scotland*, or of the Courts of Law in the *East* or *West Indies*, or elsewhere, according as the Case shall require, upon its being made to appear to such Court or Judge by any Affidavit in a summary Way that such Witness was arrested in going to, attending upon, or returning from or attending upon such Court-martial; and all Witnesses so duly summoned as aforesaid who shall not attend on such Courts, or attending shall refuse to be sworn, or not produce the Documents being under their Power or Control required to be produced by them, or, being sworn, shall refuse to give Evidence or to answer all such Questions as the Court may legally demand of them, shall be liable to be attached in the Court of Queen's Bench in *London* or *Dublin*, or in the Court of Session, Sheriff or Stewart Courts in *Scotland*, or in the Courts of Law in the *East* or *West Indies*, or in any of Her Majesty's Colonies, Garrisons, or Dominions in *Europe* or elsewhere, respectively, upon Complaint made, in like Manner as if such Witness had, after being duly summoned or subpœnaed, neglected to attend on a Trial in any Proceeding in the Court in which such Complaint shall be made: Provided always, that nothing in this Act contained shall be construed to render an Oath necessary in any Case where by Law a solemn Affirmation may be made instead thereof.

Previous Convictions to be put in Evidence.

XVIII. After any Person subject to this Act has been found guilty of any Charge or Charges the Court before which any such Person shall have been tried, before passing Sentence on such Person, and for the Purpose only of awarding Punishment, may receive in Evidence against him any previous Convictions by Courts-martial; and in like Manner and for the like Purpose the Court may receive in Evidence any previous Conviction of any such Person, not being a Commissioned Officer, by a Court of ordinary Criminal Jurisdiction; and in the Case of Convictions by Courts-martial, duly confirmed, the Court-martial Book or the Divisional or Company's Defaulters Book, and when none of those Books can conveniently be produced, a Certificate, which shall purport to contain a Copy of the Entry of such Convictions in any of such Books or any of them, and which shall be signed by the Adjutant or other Officer having the Custody of the Court-martial Book or of the Defaulters Book of the Division or Company to which the Prisoner belongs, shall be sufficient Evidence of such Conviction; and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed such Certificate, nor, if the Court be satisfied from all the Circumstances of the Case that the Prisoner under Trial is the Person mentioned in any such Certificate, shall it be necessary to

to give other Proof of the Identity of the Person of the Offender; and in the Case of a Conviction by a Court of ordinary Criminal Jurisdiction, any Certificate transmitted as herein provided to the Officer commanding by the Clerk of any such Court or other Officer having Custody of the Records of such Courts, or the Deputy of such Clerk, setting forth the Offence of which the Prisoner was convicted, together with the Judgment of the Court thereon, and purporting to be signed by such Clerk or other Officer, or by the Deputy of such Clerk, or if such Certificate cannot conveniently be obtained, a Copy thereof duly certified by the Officer producing it, shall be sufficient Evidence of such last-mentioned Conviction; and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed such last-mentioned Certificate, nor, if the Court be satisfied from all the Circumstances of the Case that the Prisoner under Trial is the Person mentioned in such Certificate, shall it be necessary to give other Proof of the Identity of the Person of the Offender: Provided always, that before any such Evidence shall be received it shall be proved to the Satisfaction of the Court that the Prisoner had previously to his Trial received Notice of the Intention to produce such Evidence against him; and provided also, that the Court shall in no Case award to him any other Punishment or Punishments than may by this Act and by the Articles of War be awarded for the Offence of which he shall be so found guilty.

No Second Trial, but Revision allowed.

XIX. No Officer or Marine who shall be acquitted or convicted of any Offence shall be liable to be tried a Second Time by the same or any other Court-martial for the same Offence; and that no Finding, Opinion, or Sentence given by any Court-martial, and signed by the President thereof, shall be revised more than once, nor shall any additional Evidence in respect of any Charge on which the Prisoner then stands arraigned be received by the Court on any Revision.

Crimes punishable with Death.

XX. If any Person who is or shall be commissioned or in Pay as an Officer of Royal Marines, or who is or shall be listed or in Pay as a Non-commissioned Officer, Drummer, or Private Man in Her Majesty's Royal Marine Forces, shall at any Time during the Continuance of this Act, while on shore in any Place within the said Kingdom, or in any other of Her Majesty's Dominions, or in any Foreign Parts out of such Dominions, or on board any Transport Ship, or Merchant Ship or Vessel, or any Ship or Vessel of Her Majesty, or on board any Convict Hulk or Ship, or any other Ship or Vessel, or in any Place whatever, where or while being in any Circumstances in which he shall not be subjected to, or not be liable to or punishable by, the Laws relating to the Government of

of Her Majesty's Forces by Sea, begin, excite, cause, or join in any Mutiny or Sedition in Her Majesty's Marine or other Forces, or shall not use his utmost Endeavours to suppress any such Mutiny or Sedition, or coming to the Knowledge of any Mutiny or intended Mutiny shall not without Delay give Information thereof to his Commanding Officer; or shall misbehave himself before the Enemy; or shall shamefully abandon or deliver up any Garrison, Fortress, Post, or Guard committed to his Charge, or which he shall have been commanded to defend; or shall compel the Governor or Commanding Officer of any Garrison, Fortress, or Post to deliver up to the Enemy or to abandon the same; or shall speak Words or use any other Means to induce such Governor or Commanding Officer or any other to misbehave before the Enemy, or shamefully to abandon or deliver up any Garrison, Fortress, Post, or Guard committed to their respective Charge, or which he or they shall be commanded to defend; or shall leave his Post before being regularly relieved, or shall sleep on his Post; or shall hold Correspondence with or give Advice or Intelligence to any Rebel, Pirate, or Enemy of Her Majesty, either by Letters, Messages, Signs, Tokens, or any other Ways or Means whatever; or shall treat or enter into any Terms with any such Rebel, Pirate, or Enemy, without the Licence of the Lord High Admiral of the said United Kingdom or the Commissioners for executing the Office of Lord High Admiral aforesaid, for the Time being; or shall strike or use or offer any Violence against his Superior Officer being in the Execution of his Office, or shall disobey any lawful Command of his Superior Officer; or who being confined in a Military Prison shall offer any Violence against a Visitor or other Officer being in the Execution of his Office, or shall violate any Law or Regulation of or relating to any Military Prison; or shall desert Her Majesty's Service; every Person so offending in any of the Matters before mentioned, whether such Offence be committed within this Realm, or in any other of Her Majesty's Dominions, or in Foreign Parts upon Land or upon the Sea, shall suffer Death or such other Punishment as by a Court-martial shall be awarded: Provided always, that any Non-commissioned Officer or Marine in Pay in any Division or Company who shall, without having first obtained a regular Discharge therefrom, enlist himself in any other Division or Company, may be deemed to have deserted Her Majesty's Service, and shall be liable to be punished accordingly.

Commutation of Death for Penal Servitude or other Punishment.

XXI. In all Cases where the Punishment of Death shall have been awarded by a General Court-martial or by a Detachment General Court-martial it shall be lawful for Her Majesty, or, if in any Place out of the United Kingdom or *British Isles*, for the Officer commanding in chief Her Majesty's Forces there serving, instead of causing such Sentence

Sentence to be carried into execution, to order the Offender to be kept to Penal Servitude for any Term not less than Four Years, or to suffer such Term of Imprisonment, with or without Hard Labour, and with or without Solitary Confinement, as shall seem meet to Her Majesty or to the Officer commanding as aforesaid.

Embezzlement punishable by Penal Servitude, &c.

XXII. Any Officer or Marine, or any Person employed or in any way concerned in the Care or Distribution of any Money, Provisions, Forage, Arms, Clothing, Ammunition, or other Stores belonging to any of Her Majesty's Forces or for Her Majesty's Use, who shall embezzle, fraudulently misapply, wilfully damage, steal, or receive the same knowing them to have been stolen, or shall be concerned therein or connive thereat, may be tried for the same by a General Court-martial, and sentenced to be kept in Penal Servitude for any Term not less than Four Years, or to suffer such Punishment of Fine, Imprisonment, Dismissal from Her Majesty's Service, Reduction to the Ranks, if a Warrant or Non-commissioned Officer, as such Court shall think fit, according to the Nature and Degree of the Offence; and every such Offender shall, in addition to any other Punishment, make good at his own Expense the Loss and Damage sustained; and in every such Case the Court is required to ascertain by Evidence the Amount of such Loss or Damage, and to declare by their Sentence that such Amount shall be made good by such Offender; and the Loss and Damage so ascertained as aforesaid shall be a Debt to Her Majesty, and may be recovered in any of Her Majesty's Courts at *Westminster* or in *Dublin*, or the Court of Exchequer in *Scotland*, or in any Court in Her Majesty's Colonies where the Person sentenced by such Court-martial shall be resident after the said Judgment shall be confirmed and made known, or the Offender, if he shall remain in the Service, may be put under Stoppages not exceeding One Half of his Pay and Allowances until the Amount so ascertained shall be recovered.

As to Execution of Sentences of Penal Servitude in the United Kingdom;

XXIII. Whenever Her Majesty shall intend that any Sentence of Penal Servitude heretofore or hereafter to be passed upon any Offender by any Court-martial shall be carried into execution for the Term specified in such Sentence, or for any shorter Term, or shall be graciously pleased to commute as aforesaid to Penal Servitude Sentence of Death which shall have been passed by any such Court, such Sentence, together with Her Majesty's Pleasure upon the same, shall be notified in Writing by the Lord High Admiral, or by any Two or more of the Commissioners for executing the said Office of Lord High Admiral for the Time being, to any Justice of the Queen's Bench, Common Pleas, or Baron of the Exchequer, and thereupon such Justice or Baron shall make an Order for the Penal Servitude of such Offender upon the Terms and for the Time which shall be specified in such

 Notification,

Notification, and shall do all such other Acts consequent upon such Notification as any such Justice or Baron is authorized to make or do by any Statute or Statutes in force at the Time of making any such Orders in relation to Penal Servitude of Offenders; and such Order, and other Acts to be so made and done as aforesaid, shall be obeyed and executed by such Person in whose Custody such Offender shall at that Time be, and by all other Persons whom it may concern, and shall be as effectual, and have all the same Consequences, as any Order made under the Authority of any Statute with respect to any Offender in such Statute mentioned; and every Sheriff, Gaoler, Keeper, Governor, or Superintendent whom it may concern, and all Constables and other Persons, shall be bound to obey the aforesaid Order and Orders, be assistant in the Execution thereof, and be liable to the same Punishment for Disobedience to or for interrupting the Execution of such Order, as they would be if the same had been made under the Authority of any such Act of Parliament; and every Person so ordered to be kept in Penal Servitude shall be subject respectively to all and every the Penalties and Provisions made by Law and in force concerning Persons under Sentence of Penal Servitude, or receiving Her Majesty's Pardon on Condition of Penal Servitude; and from the Time when such Order of Penal Servitude shall be made every Law and Statute in force touching the Escape of Felons, or their afterwards returning or being at large without Leave, shall apply to such Offender, and to all Persons aiding, abetting, contriving, or assisting in any Escape or intended Escape, or the returning without Leave of any such Offender; and the Judge who shall make any Order of Penal Servitude as aforesaid shall direct the Notification of Her Majesty's Pleasure, and his own Order made thereupon, to be filed and kept of Record in the Office of the Clerk of the Crown of the Court of Queen's Bench; and the said Clerk shall have a Fee of Two Shillings and Sixpence only for filing the same, and shall, on Application, deliver a Certificate in Writing (not taking more than Two Shillings and Sixpence for the same) to such Offender, or to any Person applying in his or Her Majesty's Behalf, showing the Christian and Surname of such Offender, his Offence, the Place where the Court was held before which he was convicted, the Sentence, and the Conditions on which the Order of Penal Servitude was made; which Certificate shall be sufficient Proof of the Conviction and of the Sentence of such Offender, and also of the Terms in which such Order for his Penal Servitude was made, in any Court and in any Proceeding wherein it may be necessary to inquire into the same.

Also in the Colonies.

XXIV. Whenever any Sentence of Penal Servitude heretofore or hereafter passed upon any Offender by any Court-martial holden in the *East*

East Indies, or in any other Part of Her Majesty's Foreign Dominions, or elsewhere beyond the Seas, is to be carried into execution for the Term specified in such Sentence, or for any shorter Term, or when Sentence of Death passed by any such Court-martial has been or shall as aforesaid be commuted to Penal Servitude, the same shall be notified by the Officer commanding Her Majesty's Forces at the Presidency or Station where the Offender may come or be to some Judge of One of the Supreme Courts of Judicature in the *East Indies*, or the Chief Justice or some other Judge, as the Case may be, in any Part of Her Majesty's Foreign Dominions, who shall make Order for the Penal Servitude or intermediate Custody of such Offender; and upon any such Order being made it shall be duly notified to the Governor of the Presidency if in the *East Indies*, or to the Governor of the Colony if in any of Her Majesty's Colonies, or to the Person who shall for the Time being be exercising the Office of Governor of such Presidency or Colony, who on Receipt of such Notification shall cause such Offender to be removed or sent to some other Colony or Place, or to undergo his Sentence within the Presidency or Colony where the Offender was so sentenced or where he may come or be as aforesaid in obedience to the Directions for the Removal and Treatment of Convicts which shall from Time to Time be transmitted from Her Majesty through One of Her Principal Secretaries of State to such Presidency or Colony; and such Offender shall, according to such Directions, undergo the Sentence of Penal Servitude which shall have been passed upon him either in the Presidency or Colony in which he has been so sentenced, or in the Colony or Place to which he has been so removed or sent, and whilst such Sentence shall remain in force shall be liable to be imprisoned and kept to Hard Labour, and otherwise dealt with under such Sentence, in the same Manner as if he had been sentenced to be imprisoned with Hard Labour during the Term of his Penal Servitude by the Judgment of a Court of competent Jurisdiction in such Presidency or Colony or in the Colony or Place to which he has been so removed or sent respectively.

Sentence of Penal Servitude may be commuted for Imprisonment.

XXV. In any Case where a Sentence of Penal Servitude shall have been awarded by a General or Detachment General Court-martial, it shall be lawful for Her Majesty, or, if in any Place out of the United Kingdom or *British Isles*, for the Officer commanding in chief Her Majesty's Forces there serving, instead of causing such Sentence to be carried into execution, to order that the Offender be imprisoned, with or without Hard Labour, and with or without Solitary Confinement, for the same or such lesser Term as shall seem meet to Her Majesty or to the Officer commanding as aforesaid.

XXVI. Where

Of Forfeitures when combined with Penal Servitude.

XXVI. Where an Award of any Forfeiture, or of Deprivation of Pay, or of Stoppages of Pay shall have been added to any Sentence of Penal Servitude, it shall be lawful for the said Lord High Admiral or the said Commissioners, or, if in any Place out of the United Kingdom or *British Isles*, for the Officer commanding in chief Her Majesty's Forces there serving, in the event of the Sentence being commuted for Imprisonment, to order such Award of Forfeiture, Deprivation of Pay, or Stoppages of Pay to be enforced, mitigated, or remitted as may be deemed expedient.

Disposal of Convict after Sentence of Penal Servitude.

XXVII. When any Sentence of Death shall be commuted for Penal Servitude, or when any Marine shall by Court-martial be adjudged to Penal Servitude as authorized by this Act, it shall be lawful for the Commanding Officer of the Division to which such Marine shall have belonged or may belong to cause him to be detained and conveyed to any Gaol or Prison, there to remain in safe Custody until he shall be removed therefrom by due Authority under an Order for his Penal Servitude to be made by some Justice of the Queen's Bench or Common Pleas or Baron of the Exchequer as aforesaid; and that a Certificate of his Sentence, after the same shall have been approved by the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, (such Certificate to be signed by the Commanding Officer of the Division from which he shall be sent,) shall be a sufficient Order, Requisition, and Authority to the Governor, Keeper, or Superintendent of the Gaol or Prison to receive and detain him: Provided always, that in case of any such Offender being so conveyed to Gaol or Prison the usual Allowance of Sixpence *per Diem* shall be made to the Keeper of the Gaol or Prison for the Subsistence of such Offender during his Detention therein, which Allowance shall be paid by the Paymaster of the Division, upon Production to him, by the said Governor, Keeper, or Superintendent, of a Declaration, to be made by him before One of Her Majesty's Justices of the Peace of such County, of the Number of Days during which the Offender shall have been so detained and subsisted in such Gaol or Prison.

Power to inflict Corporal Punishment.

XXVIII. Any Court-martial may sentence any Marine to Corporal Punishment, not extending to Life or Limb, for Desertion or for disgraceful Conduct, Misbehaviour, or Neglect of Duty; but no Sentence of Corporal Punishment awarded by a Divisional Court-martial shall, except in the Case of Mutiny or gross Insubordination, be put in execution in Time of Peace without the Leave in Writing of the Officer commanding the Division or Station in which the Court may be held, and no Sentence of Corporal Punishment shall exceed Fifty Lashes.

XXIX. It

XXIX. It shall be lawful for any General, District, or Garrison Court-martial to award Imprisonment, with or without Hard Labour, and with or without Solitary Confinement, such Confinement not exceeding the Periods prescribed herein-after or by the Articles of War, and in case of a Marine in addition to Corporal Punishment.

Power to inflict Corporal Punishment and Imprisonment.

XXX. In all Cases in which Corporal Punishment shall form the whole or Part of the Sentence awarded by any Court-martial, it shall be lawful for the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or for the Officer authorized to confirm the Sentences of Courts-martial, to commute such Corporal Punishment to Imprisonment for any Period not exceeding Forty-two Days, with or without Hard Labour, and with or without Solitary Confinement, or to mitigate such Sentence, or instead of such Sentence to award Imprisonment, for any Period not exceeding Twenty Days, with or without Hard Labour, and with or without Solitary Confinement, and Corporal Punishment, to be inflicted in the Prison, not exceeding Twenty-five Lashes, and the Solitary Confinement herein-before mentioned shall in no Case exceed Seven Days at a Time, with Intervals of not less than Seven Days between each Period of such Confinement.

Power to commute Corporal Punishment.

XXXI. It shall be lawful for Her Majesty, in all Cases whatsoever, instead of causing a Sentence of cashiering to be put in execution, to order the Offender to be reprimanded, or, in addition thereto, to suffer such Loss of Army or Divisional Rank, or both, as may be deemed expedient.

Power to commute a Sentence of cashiering.

XXXII. Any General Court-martial may, in addition to any other Punishment which such Court may award, sentence any Offender to Forfeiture of all Advantage as to additional Pay, Good-conduct Pay, and to Pension on Discharge, which might have otherwise accrued from the Length of his former Service, or to Forfeiture of such Advantage absolutely, whether it might have accrued from past Service, or might accrue from future Service, or to Forfeiture of any Annuity and Medal which may have been granted for former meritorious Service, or of the Gratuity and Medal awarded for former Good Conduct, and of all Medals and Decorations, according to the Nature of the Case; and any District or Garrison Court-martial may also, in addition to any Punishment which such Court may award, sentence any Offender to such Forfeiture for Desertion, or for disgraceful Conduct,

Forfeiture of Pay and Pension by Sentence of Court-martial.

In wilfully maiming or injuring himself or any other Marine, whether at the Instance of such other Marine or not, or of

 causing

causing himself to be maimed or injured by any other Person, with Intent thereby to render himself or such other Marine unfit for Service:

In wilfully doing any Act, or wilfully disobeying any Orders, whether in Hospital or otherwise, thereby producing or aggravating Disease or Infirmity, or delaying his Cure:

In malingering or feigning Disease:

In tampering with his Eyes, with Intent thereby to render himself unfit for Service:

In stealing or embezzling Government Property or Stores, or in receiving the same knowing the same to have been stolen:

In stealing any Money or Goods the Property of a Comrade, of a Marine Officer, or of any Marine Mess or Band, or in receiving any such Money or Goods knowing the same to have been stolen:

In making any false or fraudulent Accounts, Returns, Matters, or Entries, or assisting or conniving at the same being made, or producing the same as true, knowing the same to be false or fraudulent:

In stealing or embezzling or fraudulently misapplying Public Money intrusted to him:

Or in committing any other Offence of a felonious or fraudulent Nature, to the Injury of, or with Intent to injure, any Person, Civil, Marine, or Military:

Or for any other disgraceful Conduct, being of a cruel, indecent, or unnatural Kind.

Forfeiture of Pay on Conviction of Desertion or Felony.

XXXIII. Every Marine who shall be found guilty by a Court-martial of Desertion, of wilfully maiming or injuring himself or any other Marine, whether at the Instance of such other Marine or not, or of causing himself to be maimed or injured by any other Person, with Intent thereby to render himself or such other Marine unfit for Service, of tampering with his Eyes with Intent thereby to render himself unfit for Service, such Finding having been confirmed, or of Felony in any Court of ordinary Criminal Jurisdiction in *England* or *Ireland*, or of any Crime or Offence in any Court of Criminal Judicature in any Part of the United Kingdom, or in any Dominion, Territory, Colony, Settlement, or Island belonging to or occupied by Her Majesty out of the United Kingdom, which would, if committed in *England*, amount to Felony, shall thereupon forfeit all Advantage as to additional Pay, Good-conduct Pay, and to Pension on Discharge which might have otherwise accrued from the Length of his former Service, in addition to any Punishment which such Court

Court may award; and every Marine who may be so convicted, or who may be sentenced to Penal Servitude, or discharged with Ignominy, shall thereupon likewise forfeit all Medals which he may be in possession of, whether for Sea or Field Service or for Good Conduct, together with any Annuity or Pension or Gratuity, if any, thereto appertaining; and any Sergeant reduced to the Ranks by Sentence of Court-martial may, by the Order of the same Court, be made to forfeit any Annuity or Pension and Medal for meritorious Service, or any or either of them, which may have been conferred upon him.

Forfeiture of Pay when in Confinement;

XXXIV. If any Non-commissioned Officer or Marine, by reason of his Imprisonment, whether under Sentence of a Court-martial or of any other Court duly authorized to pass such Sentence, or by reason of his Confinement for Debt, or by reason of his Desertion, or, being an Apprentice, by reason of his being allowed to serve out his Time with his Master, shall have been absent from his Duty during any Portion of the Time limited by his Enlistment or Re-engagement or Prolongation of Service, as herein-after provided, such Portion of his Time shall not be reckoned as a Part of the limited Service for which such Non-commissioned Officer or Marine was enlisted or re-engaged, or for which his Time of Service may have been prolonged; and no Marine shall be entitled to Pay, or to reckon Service towards Pay or Pension, when in Confinement under a Sentence of any Court, or during any Absence from Duty by Commitment or Confinement as a Deserter by Confession or under any Charge of which he shall be afterwards convicted, either by Court-martial or by any Court of ordinary Criminal Jurisdiction, or whilst in Confinement for Debt; and when any Marine shall be absent as a Prisoner of War he shall not be entitled to Pay, or to reckon Service towards Pay or Pension, for the Period of such Absence, but upon rejoining Her Majesty's Service due Inquiry shall be made by a Court-martial, and unless it shall be proved to the Satisfaction of such Court that the said Marine was taken Prisoner through wilful Neglect of Duty on his Part, or that he had served with or under, or in some Manner aided, the Enemy, or that he had not returned as soon as possible to Her Majesty's Service, he may thereupon be recommended by such Court to receive either the whole of such Arrears of Pay, or a Proportion thereof, and to reckon Service during his Absence; and any Marine who shall be convicted of Desertion, or of Absence without Leave, shall, in addition to any Punishment awarded by the Court, forfeit his Pay for the Day or Days during which he was in a State of Desertion, or during his Absence without Leave; and if any Marine shall absent himself without Leave for any Period, and shall not account for the same to the Satisfaction of the Commanding Officer, or if any Marine shall

or during Absence on Commitment under a Charge, or in arrest for Debt;

or when Prisoner of War;

or when convicted of Desertion or Absence without Leave;

or when absent without Leave.

shall be guilty of any other Offence which the Commanding Officer may not think necessary to bring before a Court-martial, the Commanding Officer may, in addition to any minor Punishment he is authorized to award, order that such Marine shall be imprisoned for such Period not exceeding One hundred and sixty-eight Hours, with or without Hard Labour, and with or without Solitary Confinement, as the said Commanding Officer may think fit, and such Marine shall forfeit his Pay for any Day or Days on which he may be so imprisoned; and the said Commanding Officer may moreover order that in addition to or instead of such Imprisonment and Forfeiture, or any other Punishment which he has Authority to inflict, any Marine who shall have so absented himself as aforesaid shall forfeit his Pay for the Day or Days during which he shall have so absented himself; and in pursuance of any such Order as aforesaid, the Pay of the Marine shall be accordingly forfeited: Provided always, that such Marine shall not be liable to be afterwards tried by a Court-martial for any Offence for which he shall have been so punished, ordered to suffer Imprisonment, Punishment, or Forfeiture as last aforesaid: Provided also, that any Marine who shall be so ordered to suffer Imprisonment or Forfeiture of Pay shall, if he so request, have a Right to be tried by a Court-martial for his Offence, instead of submitting to such Imprisonment or Forfeiture: Provided also, that it shall be lawful for the said Lord High Admiral or the said Commissioners to order or withhold the Payment of the whole or any Part of the Pay of any Officer or Marine during the Period of Absence by any of the Causes aforesaid.

Forfeiture of Pay and Liquor for habitual Drunkenness.

XXXV. Any General, Garrison, or District Court-martial before which any Marine shall be convicted of habitual Drunkenness shall deprive such Marine of such Portion of his Pay, for such Period not exceeding Two Years, and under such Restrictions and Regulations as may accord with the Articles of War to be made in pursuance of this Act, subject to Restoration on subsequent good Conduct; and every Divisional or Detachment Court-martial shall deprive a Marine convicted of a Charge of habitual Drunkenness of such Portion of his additional or regular Pay for such Period not exceeding Six Months, and under such Restrictions and Regulations as may accord with the said Articles of War, subject to Restoration on subsequent good Conduct; and in addition to such Deprivation of Pay the Court may, if it shall think fit, sentence such Offender to any other Punishment whatsoever which the Court may be competent to award: Provided that a Marine so sentenced to the Forfeiture of Pay who shall be quartered or removed to a Station where Liquor forms a Part of his Ration, and is issued in Kind, shall be deprived of his Liquor in Kind, instead of being deprived of One Penny of his daily Pay,

Pay, for so long a Time as he shall remain in such Station, and such Sentence of Forfeiture of Pay shall remain in force.

XXXVI. Any Court-martial may sentence any Marine for being drunk on Duty under Arms to be deprived of a Penny a Day of his Pay for any Period not exceeding Sixty Days, and for being drunk when on any Duty not under Arms, or for Duty or on Parade or on the Line of March, to be deprived of a Penny a Day of his Pay for any Period not exceeding Thirty Days, and such Deprivation may in either Case be in addition to any other Punishment whatsoever which such Court may award. Forfeiture of Pay for Drunkenness on Duty.

XXXVII. In addition to any other Punishment which the Court may award, a Court-martial may further direct that any Offender may be put under Stoppages until he shall have made good— Stoppages.

Any Bounty fraudulently obtained by him by Desertion from his Corps and enlisting in some other Corps or in the Militia:

Any Loss, Disposal of, or Damage occasioned by him in any of the Instances of disgraceful Conduct herein specified:

Any Loss, Disposal of, or Destruction of, or Damage or Injury to, any Property whatsoever, occasioned by his wilful or negligent Misconduct:

Any Loss, Disposal of, or Destruction of, or Damage or Injury to, his Arms, Clothing, Instruments, Equipments, Accoutrements, or Necessaries, or any extra Article of Clothing or Equipment that he may have been put in possession of and ordered to wear on the Recommendation of the Surgeon for the Benefit of his Health, or making away with or pawning any Medal or Decoration for Service or for general Good Conduct which may have been granted to him by Order of Her Majesty or by Order of the *East India* Company, or any Medal or Decoration which may have been granted to him by any Foreign Power, or any Loss, Disposal of, or Destruction of, or Damage or Injury to the Arms, Clothing, Instruments, Equipments, Accoutrements, or Necessaries of any Officer or Marine, occasioned by his wilful or negligent Misconduct:

Any Expense necessarily incurred by his Drunkenness or other Misconduct:

Provided always, that, except in the Case of the Loss, Disposal of, or Destruction of, or Damage or Injury to, Arms, Clothing, Instruments, Equipments, Accoutrements, or Necessaries, in which Case the Court may by its Sentence direct that the said Stoppages shall continue till the Cost of replacing or repairing the same be made good, the Amount of any Loss, Disposal, Destruction, Damage or Injury, or Expense,

shall be ascertained by Evidence, and the Offender shall be placed under Stoppages for such an Amount only as shall be proved to the Satisfaction of the Court: Provided also, that when an Offender is put under Stoppages for making away with or pawning any Medal or Decoration, the Amount shall be credited to the Public, but the Medal or Decoration in question shall not be replaced, except under special Circumstances, to be determined by the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral aforesaid: Provided also, that so much only of the Pay of the Marine may be stopped and applied as shall, after satisfying the Charges for Messing and Washing, leave him a Residue at the least of One Penny a Day.

Discharge with Ignominy.

XXXVIII. Whenever any Marine shall have been convicted of Desertion or of any such disgraceful Conduct as is herein-before described, and the Court in respect of such disgraceful Conduct shall have made the Forfeiture of all Claim to Pension on Discharge a Part of the Sentence passed on such Marine, such Court may further recommend that he be discharged with Ignominy from Her Majesty's Service: Provided always, where an Award of any of the Forfeitures herein-before mentioned, or of Deprivation of Pay, or of Stoppages of Pay, shall have been added to a Sentence of Transportation or Penal Servitude, it shall be lawful for the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral, or, if in the *East Indies*, for the Officer commanding in chief Her Majesty's Land Forces in *India*, in the event of the Sentence of Transportation or Penal Servitude being commuted to Imprisonment, to order such Award of Forfeiture, Deprivation of Pay, or Stoppages of Pay to be enforced, mitigated, or remitted as may be deemed expedient.

Marking Deserters.

XXXIX. On the first and on every subsequent Conviction for Desertion the Court-martial, in addition to any other Punishment, may order the Offender to be marked Two Inches below and One Inch in rear of the Nipple of the Left Breast with the Letter D, such Letter not to be less than an Inch long, and to be marked upon the Skin with some Ink or Gunpowder or other Preparation, so as to be clearly seen and not liable to be obliterated.

Power of Imprisonment by different Kinds of Courts-martial.

XL. A General or District or Garrison Court-martial may sentence any Marine to Imprisonment, with or without Hard Labour, and may also direct that such Offender shall be kept in Solitary Confinement for any Portion or Portions of such Imprisonment, in no Case exceeding Fourteen Days at a Time, nor Eighty-four Days in any One Year, with Intervals between the Periods of Solitary Confinement of not less Duration than such Periods; and when the Imprisonment

Imprisonment awarded shall exceed Three Months, the Court-martial shall imperatively order that the Solitary Confinement shall not exceed Seven Days in any One Month of the whole Imprisonment awarded, with Intervals between the Periods of Solitary Confinement of not less Duration than such Periods; and any Divisional or Detachment Court-martial may sentence any Marine to Imprisonment, with or without Hard Labour, for any Period not exceeding Forty-two Days, and may also direct that such Marine be kept in Solitary Confinement for any Portion or Portions of such Imprisonment, not exceeding Fourteen Days at a Time, with Intervals between them of not less Duration than such Periods of Solitary Confinement: Provided always, that when any Court-martial, whether General, Garrison, or District, or Divisional or Detachment, shall direct that the Imprisonment shall be Solitary Confinement only, or when any Sentence of Corporal Punishment shall have been commuted to Imprisonment only, the Period of such Solitary Confinement shall in no Case exceed Fourteen Days.

Imprisonment of Offender already under Sentence for previous Offence.

XLI. Whenever Sentence shall be passed by a Court-martial on an Offender already under Sentence, either of Imprisonment or of Penal Servitude, the Court may award Sentence of Imprisonment or Penal Servitude for the Offence for which he is under Trial to commence at the Expiration of the Imprisonment or Penal Servitude to which he shall have been so previously sentenced, although the aggregate of the Terms of Imprisonment or Penal Servitude respectively may exceed the Term for which either of those Punishments could be otherwise awarded.

Term and Place of Imprisonment.

XLII. Save as herein specially provided, every Term of Penal Servitude or Imprisonment under the Sentence of a Court-martial, whether original or revised, shall be reckoned as commencing on the Day on which the original Sentence and Proceedings shall be signed by the President; and the Place of Imprisonment under the Sentences of Courts-martial shall be appointed by the Court or the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, or the Commanding Officer of the Division to which the Offender belongs or is attached, or the Officer commanding the District, Garrison, Island, or Colony.

Proviso for Removal of Prisoners.

XLIII. In the Case of a Prisoner undergoing or liable to Imprisonment under Sentence of a Court-martial, or as Part of commuted Punishment, in any public Prison, or in any Gaol or House of Correction, or elsewhere, in any Part of Her Majesty's Dominions, it shall be lawful for the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral for the Time being, in all Cases,

Cases, or for the Officer commanding the Division in the Case of a Prisoner imprisoned under the Sentence of a Divisional Court-martial, of his sole Authority, and in all other Cases with the Consent of the Officer commanding the District, Garrison, Island, or Colony, or of the Officer by whom the Sentence of the Court shall have been confirmed, as the Case may be, to give, as often as Occasion may arise, an Order in Writing directing that the Prisoner be discharged, or be delivered over to Military Custody, whether for the Purpose of being removed to some other Prison or Place, there to undergo the Remainder or any Part of his Sentence, or for the Purpose of being brought before a Court-martial either as a Witness or for Trial or otherwise; and such Prisoner shall accordingly, on the Production of such Order, be discharged or be delivered over, as the Case may be: Provided always, that the Time during which any Prisoner under Sentence of Imprisonment by a Court-martial shall be detained in Military Custody shall be reckoned as Imprisonment under the Sentence, for whatever Purpose such Detention shall take place.

Custody of Prisoners under Military Sentence in Common Gaols.

XLIV. Every Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, or of any Gaol or House of Correction in any Part of Her Majesty's Dominions, shall receive into his Custody any Military Offender under Sentence of Imprisonment by a General or other Court-martial, upon Delivery to him of an Order in Writing in that Behalf from the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, or from the Officer commanding the Division or Detachment to which the Offender belongs or did last belong or is attached, which Order shall specify the Period of Imprisonment or Remainder of Imprisonment which the Offender is to undergo, and the Day and Hour of the Day on which he is to be released or be otherwise disposed of; and such Governor, Provost Marshal, Gaoler, or Keeper shall keep such Offender in a proper Place of Confinement, with or without Hard Labour, and with or without Solitary Confinement, according to the Sentence of the Court, and during the Time specified in the said Order, or until he be discharged or delivered over to Military Custody before the Expiration of that Time, under an Order duly made for that Purpose, and whenever Marines are called out in aid of the Civil Power, or are stationed in Billets, or are on the Line of March, every Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement, shall receive into his Custody any Marine for a Period not exceeding Seven Days, upon Delivery to him of an Order in Writing in that Behalf from the Officer commanding such Marine; and any Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement, who shall

shall refuse to receive and to confine, or to discharge or deliver over, any Marine Offender in the Manner herein prescribed, shall forfeit for every such Offence the Sum of One hundred Pounds.

Their Subsistence in Common Gaols.

XLV. The Gaoler or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement in any Part of Her Majesty's Dominions, shall diet and supply every Marine imprisoned therein under the Sentence of a Court-martial or as a Deserter with Fuel and other Necessaries according to the Regulations of such Place of Confinement, and shall receive on account of every Marine during the Period of his Imprisonment Sixpence *per Diem*, or such other Sum as the said Lord High Admiral or the said Commissioners may at any Time or Times direct, which the Secretary of the Admiralty shall cause to be issued out of the Subsistence of such Marine, upon Application in Writing signed by any Justice within whose Jurisdiction such Place of Confinement shall be locally situated, together with a Copy of the Order of Commitment, and which Sum of Sixpence *per Diem*, or such other Sum as aforesaid, shall be carried to the Credit of the Fund from which the Expense of such Place of Confinement is defrayed.

Expiration of Imprisonment in Common Gaols.

XLVI. Every Gaoler or Keeper of any public Prison, Gaol, House of Correction, or other Place of Confinement, to whom any Notice shall have been given, or who shall have Reason to know or believe that any Person in his Custody for any Debt or Contempt, or upon any Charge or for any Offence, civil, criminal, or military, is a Marine, shall on receiving him into Custody give Notice thereof to the Secretary of the Admiralty, and also, previous to the Expiration of the Period of the Confinement or Imprisonment of such Marine, give to the Secretary of the Admiralty One Month's Notice of the Period of such Expiration of Confinement or Imprisonment, or if there shall not be sufficient Time for a Month's Notice, then the longest practicable Notice thereof; and for every Default of giving either or any of such Notices such Gaoler or Person shall forfeit the Sum of Twenty Pounds; and moreover, every Gaoler or other Person having such immediate Inspection as aforesaid shall, as soon as any such Marine shall be entitled to be discharged out of Custody, with all convenient Speed, safely and securely conduct and convey and safely and securely deliver every such Marine either unto the Officer commanding at the nearest Head Quarters of the Royal Marines or to the Officer commanding Her Majesty's Ship to which any such Marine may happen to belong, unless the said Commissioners shall, by Writing under the Hand of the Secretary of the Admiralty, previously direct that such Marine be delivered to some other Officer or Person, in which Case he

he shall be delivered to such other Officer or Person accordingly, and the Officer or Person to whom such Marine shall be so delivered in accordance with this Act shall thereupon give to such Gaoler or Person delivering up such Marine a Certificate, directed to the Secretary of the Admiralty, specifying the Receipt of such Marine and the Place from and to which he shall have been conducted and conveyed as aforesaid; and such Gaoler or Person who shall have so conducted, conveyed, and delivered any such Marine shall, upon the Production of such Certificate, be entitled to receive of and from the Accountant General of Her Majesty's Navy the Sum of Two Shillings *per* Mile, and no more, for conducting, conveying, and delivering any such Marine as aforesaid; and every such Gaoler or other Person having such immediate Inspection as aforesaid who shall not safely and securely conduct, convey, or deliver any such Marine as aforesaid, shall for every such Misconduct or Offence forfeit and pay the Sum of One hundred Pounds.

Military Prisons established under any Act for punishing Mutiny and Desertion in the Army to be deemed public Prisons.

XLVII. Every Military Prison which shall be established under or by virtue of any Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, shall be deemed to be public Prisons within the Meaning of any Act now in force or hereafter to be in force for the Regulation of Her Majesty's Royal Marine Forces; and that any Officer or Marine convicted by a Court-martial may be sent, by Order of the Commissioners for executing the Office of Lord High Admiral, to any such Military Prison, there to undergo such Punishment as may be awarded by the Sentence passed upon him, or until he be discharged or delivered up by an Order, as in the Case of a Discharge or Removal from any other Prison under this Act.

Musters, and Penalty on false Musters.

XLVIII. Musters, as have been customary, shall be taken of every Division or Company of Royal Marines once in every Calendar Month, as shall be appointed; and no Officer or Marine shall be absent from any such Muster, unless duly certified to be employed on some other Duty of the Corps, or sick, or in Prison, or on Furlough; and every Person belonging to Her Majesty's Service who shall give or procure to be given any untrue Certificate thereby to excuse any Person from any Muster or other Service which he ought to attend or perform, or shall make any false or untrue Muster of Man or Horse, or who shall willingly allow or sign any false Muster or Duplicate thereof, or shall directly or indirectly take or receive any Money or Gratuity for mustering any Person, or for signing any Muster Roll or Duplicate, or shall knowingly muster any Person by a wrong Name, shall, upon Proof by Two Witnesses before a General Court-martial, for any such Offence be sentenced to be cashiered; provided that it shall

shall be lawful for Her Majesty, in all Cases whatsoever, instead of causing a Sentence of cashiering to be put in execution, to order the Offender to be reprimanded, or, in addition thereto, to suffer such Loss of Rank as may be deemed expedient; and any Person who shall fraudulently offer or procure himself to be falsely mustered, or lend or furnish any Horse to be falsely mustered, shall, upon Proof thereof by the Oaths of Two Witnesses before some Justice of the Peace residing near to the Place where such Muster shall be made, forfeit the Sum of Twenty Pounds, and the Informer, if he belongs to Her Majesty's Service, shall, if he demand it, be forthwith discharged; and if any Person not belonging to Her Majesty's Service shall give or sign any untrue Certificate of Illness or otherwise in order to excuse any Officer or Marine from Appearance at any Muster, or whereby Her Majesty's Service may be defrauded, every Person so offending shall for every such Offence forfeit the Sum of Fifty Pounds.

Verifying of Muster Rolls.

XLIX. All Muster Rolls and Pay Lists of Royal Marines required to be verified upon Oath shall be sworn before and attested by any Justice of the Peace, without Fee or Reward to himself or his Clerk.

Trials for Desertion after subsequent Re-enlistment.

L. Every Marine shall be liable to be tried and punished for Desertion from any Corps into which he may have unlawfully enlisted, although he may of right belong to another Corps, and be a Deserter therefrom; and whether such Marine shall be tried for deserting from the Corps to which he may of right belong, or from the Corps into which he may have unlawfully enlisted, or for any other Desertion, every Desertion previous or subsequent to that for which he may at the Time be taking his Trial may, if duly stated in the Charges, be given in Evidence against him on such Trial.

Apprehension of Deserters.

LI. Upon reasonable Suspicion that a Person is a Deserter it shall be lawful for any Constable, or if no Constable can be immediately met with, then for any Officer or Marine or Soldier in Her Majesty's Service, or other Person, to apprehend or cause to be apprehended such suspected Person, and forthwith to bring him or cause him to be brought before any Justice living in or near the Place where he was so apprehended, and acting for the County or Borough wherein such Place is situate, or for the County adjoining such first-mentioned County or such Borough; and such Justice is hereby authorized and required to inquire whether such suspected Person is a Deserter, and from Time to Time to defer the said Inquiry, and to remand the said suspected Person, in the Manner prescribed by an Act passed in the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter Forty-two, Section Twenty-one,

Twenty-one, and subject to every Provision therein contained; and if it shall appear to the Satisfaction of such Justice, by the Testimony of One or more Witnesses taken upon Oath, or by the Confession of such suspected Person, confirmed by some corroborative Evidence upon Oath or by the Knowledge of such Justice, that such suspected Person is a Deserter, such Justice shall forthwith cause him to be conveyed in Civil Custody to the Head Quarters or Depôt of the Division to which he belongs, if stationed within a convenient and easily accessible Distance from the Place of Commitment, or if not so stationed then to the nearest or most convenient public Prison (other than a Military Prison) or Police Station legally provided as the Lock-up House for temporary Confinement of Persons taken into Custody, whether such Prison or Police Station be in the County or Borough in which such suspected Person was apprehended or in which he was committed, or not; or if the Deserter has been apprehended by a Party of Marines in charge of a Commissioned Officer, such Justice may deliver him up to such Party, unless the Officer shall deem it necessary to have the Deserter committed to Prison for safe Custody; and such Justice shall transmit an Account of the Proceedings, in the Form prescribed in the Schedule annexed to this Act, to the Secretary of the Admiralty, specifying thereon whether such Deserter was delivered to a Party of Marines in order to his being taken to the Head Quarters or Depôt of his Division, or whether such Deserter was committed to Prison, to the end that the Person so committed may be removed by an Order from the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, and proceeded against according to Law; and such Justice shall also send to the Secretary of the Admiralty a Report stating the Names of the Persons by whom or by or through whose Means the Deserter was apprehended and secured, and the Secretary of the Admiralty shall transmit to such Justice an Order upon the proper Department for the Payment of the Sum of Twenty Shillings as a Reward to the Person so certified to be entitled thereto; and for such Information, Commitment, and Report as aforesaid the Clerk of the said Justice shall be entitled to a Fee of Two Shillings and no more; and every Gaoler and other Person into whose Custody any Person charged with Desertion is committed shall, immediately upon the Receipt of the Person so charged into his Custody, pay such Fee of Two Shillings, and also, upon the Production of a Receipt from the Medical Practitioner who may have been required to examine such suspected Person, a Fee of Two Shillings and Sixpence, and shall notify the Fact to the Secretary of the Admiralty, and transmit also to the Secretary of the Admiralty a Copy of the Commitment, to the end that the Secretary of the Admiralty

Admiralty may order Repayment of such Fees; and that when any Person shall be apprehended and committed as a Deserter in any such Foreign Dominions, the Justice shall forthwith cause him to be conveyed to some public Prison, if the Detachment to which he is suspected to belong shall not be in such Part, or if the Detachment be in such Part, the Justice may deliver him into Custody at the nearest Military Post although the Detachment to which such Person is suspected to belong may not be stationed at such Military Post, if within reasonable Distance; and such Justice shall in every Case transmit to the Officer commanding a Descriptive Return in the Form prescribed in the Schedule to this Act annexed, to the end that such Person may be removed by the Order of such Officer, and proceeded against according to Law.

Penalty on Marines straggling or attempting to desert from Head Quarters.

LII. For and in respect of any Marine straggling or attempting to desert from any Head Quarters who may be apprehended at a greater Distance from Head Quarters than is allowed by the Articles of War, the Party or Parties by whom he shall be apprehended shall be entitled to a Reward of Ten Shillings, to be paid upon the delivering up of such Marine, which Sum of Ten Shillings shall be charged against and stopped and retained out of the Pay and Subsistence of every such Marine.

Temporary Custody of Deserters in Gaols.

LIII. Every Gaoler or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement in any Part of Her Majesty's Dominions, is hereby required to receive and confine therein every Deserter who shall be delivered into his Custody by any Marine or other Person conveying such Deserter under lawful Authority, on Production of the Warrant of the Justice of the Peace on which such Deserter shall have been taken, or some Order from the Admiralty, which Order shall continue in force until the Deserter shall have arrived at his Destination; and such Gaoler or Keeper shall be entitled to One Shilling for the safe Custody of the said Deserter while halted on the March, and to such Subsistence for his Maintenance as shall be directed by the said Lord High Admiral or the said Commissioners.

Fraudulent Confession of Desertion.

LIV. Any Person who, while serving in Her Majesty's Navy or in any of Her Majesty's Forces, or the Embodied Militia, or Her Majesty's *Indian* Forces, shall to any Officer, or Subordinate, Warrant, Petty, or Non-commissioned Officer, fraudulently confess himself to be a Deserter, shall be liable to be tried by any Court-martial under this Act, and punished according to the Sentence thereof; and any Person who shall voluntarily deliver himself up as and confess himself to be a Deserter from Her Majesty's Royal Marine

Forces, or who, upon being apprehended for any Offence, shall in the Presence of the Justice confess himself to be a Deserter as aforesaid, shall be deemed to have been duly enlisted and to be a Marine, and shall be liable to serve in Her Majesty's Royal Marine Forces, whether such Person shall have been ever actually enlisted as a Marine or not; or in case such Person shall not be a Deserter from the Royal Marine Forces, or shall have been discharged therefrom or from any other Corps for any Cause whatever, or shall be incapable of Service, he shall, on Conviction thereof before Two Justices of the Peace at or near the Place where he shall deliver himself up or confess, or where he may at any Time happen to be, be adjudged to be punished, if in *England*, as a Rogue and Vagabond, and if in *Scotland* or *Ireland*, by Commitment to some Prison or House of Correction, there to be kept to Hard Labour for any Time not exceeding Three Months, or shall be deemed guilty of obtaining Money under false Pretences within the true Intent and Meaning, if in *England*, of an Act passed in the Session holden in the Seventh and Eighth Years of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* England *relative to Larceny and other Offences connected therewith*, and, if in *Ireland*, of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* Ireland *relative to Larceny and other Offences connected therewith*, or, if in *Scotland*, shall be deemed guilty of Falsehood, Fraud, and wilful Imposition; and every Person so deemed to be guilty of obtaining Money under false Pretences, or of Falsehood, Fraud, and wilful Imposition, (as the Case may be,) shall be liable to be proceeded against and punished accordingly; and the Confession and receiving Subsistence as a Marine by such Person shall be Evidence of the false Pretence, or of the Falsehood, Fraud, and Imposition, (as the Case may be,) and of the obtaining Money to the Amount of the Value of such Subsistence, and the Value of such Subsistence so obtained may be charged in the Indictment as so much Money received by such Person; and in case such Person shall have been previously convicted of the like Offence, or shall have been summarily convicted and punished in *England* as a Rogue and Vagabond, or in *Scotland* or *Ireland* by Commitment, for making a fraudulent Confession of Desertion, such former Conviction may be alleged in the Indictment, and may be proved upon the Trial of such Person; and in such Indictment for a Second Offence it shall be sufficient to state that the Offender was at a certain Time and Place convicted of obtaining Money under false Pretences as a Deserter, for making a fraudulent Confession of Desertion, without otherwise describing the said Offence; and a Certificate containing the Substance and Effect only (omitting the formal Part) of the Indictment and Conviction of the former Offence, purporting to be signed

7 & 8 G. 4. c. 29.

9 G. 4. c. 55.

signed by the Clerk of the Court or other Officer having the Custody of the Record of the Court where the Offender was first convicted, or by the Deputy of such Clerk, or by the Clerk of the convicting Magistrates, shall, upon Proof of the Identity of the Person of the Offender, be sufficient Evidence of the First Conviction, without Proof of the Signature or official Character of the Person appearing to have signed such Certificate; and if the Person so confessing himself to be a Deserter shall be serving at the Time in Her Majesty's Royal Marine Forces he shall be deemed to be and shall be dealt with by all Justices and Gaolers as a Deserter.

Punishment for inducing Marines to desert.

LV. Any Person who shall, in any Part of Her Majesty's Dominions, by Words or by any other Means whatsoever, directly or indirectly procure or persuade any Marine to desert, or shall by Words or by any other Means whatsoever attempt to procure or persuade any Marine to desert, and any Person who, knowing that any Marine is about to desert, shall aid or assist him in deserting, or, knowing any Marine to be a Deserter, shall conceal such Deserter, or aid or assist such Deserter in concealing himself, or aid or assist in his Rescue, shall be deemed guilty of a Misdemeanor, and shall on Conviction thereof be liable to be punished by Fine or Imprisonment, or both, as the Court before which such Conviction shall take place may adjudge.

Extension of Furlough in case of Sickness.

LVI. When there shall not be any Officer of Her Majesty's Land or Marine Forces of the Rank of Captain or of a superior Rank, or any Adjutant of Militia, within convenient Distance of the Place where any Non-commissioned Officer or Marine, not borne on the Books of any of Her Majesty's Ships or Vessels in Commission as aforesaid, and who shall be on Furlough, shall be detained by Sickness or other Casualty rendering necessary an Extension of such Furlough, it shall be lawful for any Justice who shall be satisfied of such Necessity to grant an Extension of Furlough for a Period not exceeding One Month; and the said Justice shall immediately certify such Extension, and the Cause thereof, to the Commanding Officer of the Division or Detachment to which the Man belongs, if known, and if not, then to the Secretary of the Admiralty, in order that the necessary Allowance of Pay and Subsistence may be remitted to the Marine, who shall not during the Period of such Extension of Furlough be liable to be treated as a Deserter: Provided always, that nothing herein contained shall be construed to exempt any Marine from Trial and Punishment according to the Provisions of this Act for any false Representation made by him in that Behalf to the said Officer or Justice so extending the Furlough, or for any Breach of Discipline committed by him in applying for and obtaining the said Extension of Furlough.

LVII. Any

Marine Mutiny.

Marines liable to be taken out of Her Majesty's Service only for Felony and certain Misdemeanors, or for Debts amounting to 30*l.* and upwards;

LVII. Any Person enlisted into Her Majesty's Royal Marine Forces as a Marine shall be liable to be taken out of Her Majesty's Service only by Process or Execution on account of any Charge of Felony, or on account of Misdemeanor or of any Crime or Offence other than the Misdemeanor of refusing to comply with an Order of Justices for the Payment of Money, or on account of an original Debt proved by Affidavit of the Plaintiff or of some one on his Behalf to amount to the Value of Thirty Pounds at the least over and above all Costs of Suit, such Affidavit to be sworn, without Payment of any Fee, before some Judge of the Court out of which Process or Execution shall issue, or before some Person authorized to take Affidavits in such Court, of which Affidavit, when duly filed in such Court, a Memorandum shall, without Fee, be endorsed upon the Back of such Process, stating the Fact sworn to, and the Day of filing such Affidavit; but no Marine or other Person as aforesaid shall be liable by any Process whatever to appear before any Justice of the Peace or other Authority whatsoever, or to be taken out of Her Majesty's Service by any Writ, Summons, Order, Warrant, Judgment, Execution, or any Process whatever issued by or by the Authority of any Court of Law, or any Magistrate, Justice or Justices of the Peace, or any other Authority whatsoever, for any original Debt not amounting to Thirty Pounds, or for not supporting or maintaining, or for not having supported or maintained, or for leaving or having left chargeable to any Parish, Township, or Place, or to the Common Fund of any Union, any Relation or Child which such Marine or Person might, if not in Her Majesty's Service be compellable by Law to relieve or maintain, or for neglecting to pay to the Mother of any Bastard Child, or to any Person who may have been appointed to have the Custody of such Child, any Sum to be paid in pursuance of an Order in that Behalf, or for the Breach of any Contract, Covenant, Agreement, or other Engagement whatever, by Parol or in Writing, or for having left or deserted his Employer or Master, or his Contract, Work, or Labour; and all Summonses, Warrants, Commitments, Indictments, Convictions, Judgments, and Sentences, on account of any of the Matters for which it is herein declared that a Marine is not liable to be taken out of Her Majesty's Service, shall be utterly illegal, and null and void to all Intents and Purposes; and any Judge of any such Court may examine into any Complaint made by a Marine or by his Superior Officer, and by Warrant under his Hand discharge such Marine, without Fee, he being shown to have been arrested contrary to the Intent of this Act, and shall award reasonable Costs to such Complainant, who shall have for the Recovery thereof the like Remedy as would have been applicable to the Recovery of any Costs which might have been awarded against the Complainant in any Judgment or Execution as aforesaid, or a Writ

but not liable to be taken out of Her Majesty's Service for not maintaining their Families or for Breach of Contract.

Writ of Habeas corpus ad subjiciendum shall be awarded or issued, and the Discharge of any such Marine out of Custody shall be ordered thereupon; provided that any Plaintiff, upon Notice of the Cause of Action first given in Writing to any Marine or left at his last Quarters, may proceed in any Action or Suit to Judgment, and have Execution other than against the Body or Marine Necessaries or Equipments of such Marine: Provided also, that nothing herein contained relating to the leaving or deserting a Master or Employer, or to the Breach of any Contract, Agreement, or Engagement, shall apply to Persons who shall be really and *bonâ fide* Apprentices, duly bound under the Age of Twenty-one Years, as herein prescribed.

Officers not liable to take Parish Apprentices.

LVIII. No Officer of Her Majesty's Royal Marine Forces residing in Barracks or elsewhere under Military Law shall be deemed liable to have any Parish poor Child bound Apprentice to him.

Officers not to be Sheriffs or Mayors.

LIX. No Person who shall be commissioned and in Full Pay as an Officer in the Royal Marine Forces, or who shall be employed in enlisting for such Forces, shall be capable of being nominated or elected to be Sheriff, and no such Officer and no Non-commissioned Officer of such Forces shall be capable of being nominated or elected to be a Constable, or Overseer, Guardian of any Union, or any Officer of a like Description, of any County, Hundred, Riding, City, Borough, Town, Division, Parish, or other Place, or to be Mayor, Portreeve, Alderman, or to hold any Office in any Municipal Corporation in any City, Borough, or Place in *Great Britain* or *Ireland*, or be summoned or shall serve as a Grand or Petit or other Juror or upon any Inquest, and any Summons for him to attend to serve as a Grand or Petit or other Juror or upon an Inquest shall be null and void; and every such Person is hereby exempted from Attendance and Service in accordance with any such Summons, and from all Fines, Pains, and Penalties for or in consequence of not attending or serving as aforesaid.

Questions to be put to Recruits on enlisting.

LX. Every Person authorized to enlist Recruits for the Royal Marines shall first ask the Person offering to enlist whether he belongs to the Militia, and also such other Questions as the said Lord High Admiral or the said Commissioners may direct to be put to Recruits, and shall, immediately after giving him Enlisting Money, serve him with a Notice in the Form set forth in the Schedule to this Act annexed.

Recruits when deemed to be enlisted

LXI. Every Person who shall receive Enlisting Money in manner aforesaid, shall upon such Receipt be deemed to be enlisted as a

Marine in Her Majesty's Service, and while he shall remain with the Recruiting Party shall be entitled to be billeted.

When Recruits to be taken before a Justice.

LXII. Every Person so enlisted as aforesaid shall, within Ninety-six Hours (any intervening *Sunday*, *Christmas Day*, or *Good Friday* not included), but not sooner than Twenty-four Hours after such Enlistment, appear, together with some Person employed in the Recruiting Service, before a Justice of the Peace, not being an Officer of the Marines, in order that he may be attested by making the Declaration and taking the Oath herein-after mentioned, or may have an Opportunity of objecting to his Enlistment; and previously to such Appearance, some Person employed in the Recruiting Service shall fill up the Declaration set forth in the Schedule to this Act annexed, first asking the Recruit the Questions required to be put to Recruits, and cautioning him that if he should make any wilfully false Answer thereto, he will be liable to be punished as a Rogue and a Vagabond.

Dissent and Relief from Enlistment.

LXIII. When a Recruit, upon appearing before a Justice for the Purposes aforesaid, shall dissent from or object to his Enlistment, and shall satisfy the Justice that the same was effected in any respect irregularly, he shall forthwith discharge the Recruit absolutely, and shall report such Discharge to the Commandant of the Division for which the Marine shall have enlisted; but if the Recruit so dissenting shall not allege or shall not satisfy the Justice that the Enlistment was effected irregularly, nevertheless, upon Repayment of the Enlisting Money and of any Sum received by him in respect of Pay, and of a further Sum of Twenty Shillings as Smart Money, he shall be entitled to be discharged; and the Sum paid by such Recruit upon his Discharge shall be kept by the Justice, and after deducting therefrom One Shilling, as the Fee for reporting the Payment to the Secretary of the Admiralty and to the said Commandant, shall be paid to any Person belonging to the Recruiting Party who may demand the same; and the Justice who shall discharge any Recruit shall, in every Case, give a Certificate thereof, signed with his Hand, to the Recruit, specifying the Cause thereof.

Attesting of Recruits.

LXIV. If the Recruit on appearing before a Justice shall not dissent from his Enlistment, or dissenting shall within Twenty-four Hours return and declare that he is unable to pay the Sums mentioned in the last Section, the Justice shall require him to make the Declaration herein-before mentioned in the usual Manner, and shall then administer to him the Oath of Allegiance in the Form set forth in the Schedule to this Act annexed; and when the Recruit shall have signed the said

said Declaration and taken the Oath, the Justice shall attest the same by his Signature, and shall deliver to the Recruiting Officer the Declaration so signed and attested, and the Fee for such Attestation shall be One Shilling, and no more; and any Recruit shall, if he so wish, be furnished with a certified Copy of the above-mentioned Declaration by the Officer who finally approved of him for the Service.

Recruits improperly obtaining Enlistment Money, &c.

LXV. If any Recruit shall by means of any false Answer obtain Enlistment Money, or shall make any false Statement in his Declaration, or shall refuse to answer any Question duly authorized to be put to Recruits for the Purpose of filling up such Declaration, or shall refuse or neglect to go before a Justice for the Purposes aforesaid, or having dissented from his Enlistment shall wilfully omit to return and pay such Money as aforesaid, in any of such Cases it shall be lawful for any Two Justices to adjudge such Recruit when brought before them, if in *England*, to be a Rogue and Vagabond, and to sentence him to be punished accordingly, and if in *Scotland* or *Ireland*, to be imprisoned with Hard Labour in any Prison or House of Correction for any Period not exceeding Three Calendar Months, and after such Adjudication it shall rest with the said Lord High Admiral or the said Commissioners to determine whether such Recruit shall thereafter be deemed to be enlisted as a Marine.

Recruits absconding.

LXVI. If any Recruit shall abscond so that it is not possible immediately to apprehend and bring him before a Justice for Attestation, the Recruiting Party shall produce to the Justice before whom the Recruit ought regularly to have been brought for that Purpose a Certificate of the Name and Place of Residence, and Description of such Recruit and of his having absconded, and shall declare the same to be true, and the Justice to whom such Certificate shall be produced shall transmit a Duplicate thereof to the Secretary of the Admiralty, in order that the same may appear in the Police Gazette.

Recruits not triable by Court-martial till attested.

LXVII. No Recruit previously to his being attested shall be liable to be tried by Court-martial, but any Recruit who shall have been attested before a Justice in manner aforesaid, and who shall afterwards be discovered to have given any wilfully false Answer to any Question directed to be put to Recruits, or shall have made any wilfully false Statement in the Declaration herein-before mentioned, shall be liable at the Discretion of the said Lord High Admiral or the said Commissioners to be proceeded against before Two Justices in the Manner herein-before mentioned, and by them sentenced accordingly, or to be tried by a District or Garrison Court-martial for the same and punished in such Manner as such Court shall direct.

LXVIII. If

Militiamen enlisting into Regular Forces.

LXVIII. If any Man while belonging to a Militia Regiment shall enlist in and be attested for Her Majesty's Royal Marines, he shall be liable to be tried before a Court-martial on a Charge for Desertion; but it shall be lawful for the Commanding Officer of the Division into which such Militiaman shall have so unlawfully enlisted, on his Confession or on other Proof thereof, to order that in lieu of his being so tried he shall be subjected to a Stoppage of One Penny a Day of his Pay till he shall have made good the Sum of Eighteen Shillings and Sixpence, to be applied as the said Lord High Admiral or the said Commissioners shall direct; and upon such Order being made by such Commanding Officer, such Man shall be deemed to be a Marine in the same Manner as he would have been if he had not been a Militiaman at the Time of his Attestation, and his Engagement to serve in the Militia shall thereupon be deemed to have ended from the Time of his having been so attested for the Marines.

Penalty on Officers offending as to Enlistment.

LXIX. Every Person subject to this Act who shall wilfully act contrary to any of its Provisions in any Matter relating to the enlisting or attesting of Recruits for Her Majesty's Service shall be liable to be tried for such Offence by a General Court-martial, and to be sentenced to such Punishment, other than Death or Penal Servitude, as such Court may award.

As to Re-enlistment abroad.

LXX. It shall be lawful for the Officer commanding any Ship or Vessel of Her Majesty on the Books of which any Marine may be borne, or on board of which any such Marine may be, or, notwithstanding anything in this Act contained, for the Commanding Officer of any Battalion or Detachment of Royal Marines, whether borne on the Books of any One of Her Majesty's Ships or otherwise, to re-engage or enlist and attest out of *Great Britain* or *Ireland* any Marine desirous of re-enlisting or re-engaging into Her Majesty's Royal Marine Forces, if such Marine be considered by such Commanding Officer a fit Person to continue in Her Majesty's Service, and every such Commanding Officer shall have the same Powers in that Behalf as are by this or any other Act of Parliament given to Justices of the Peace in the United Kingdom for all such Purposes of Enlistment and Attestation, and any Marine so re-enlisted or re-engaged shall be deemed to be an attested Marine.

Apprentices enlisting to be liable to serve after the Expiration of their Apprenticeship.

LXXI. Any Person duly bound as an Apprentice who shall enlist into Her Majesty's Royal Marine Forces, and shall falsely state to the Magistrate before whom he shall be carried and attested that he is not an Apprentice, shall be deemed guilty of obtaining Money by false Pretences, if in *England* or in *Ireland*, and of Falsehood, Fraud, and wilful Imposition, if in *Scotland*, and shall after the Expiration of his Apprenticeship,

Apprenticeship, whether he shall have been so convicted and punished or not, be liable to serve as a Marine according to the Terms of the Enlistment, and if on the Expiration of his Apprenticeship he shall not deliver himself up to some Officer authorized to receive Recruits, such Person may be taken as a Deserter from Her Majesty's Royal Marine Forces.

Claims of Masters to Apprentices.

LXXII. No Master shall be entitled to claim an Apprentice who shall enlist as a Marine in Her Majesty's Service, unless such Master shall, within One Calendar Month next after such Apprentice shall have left his Service, go before some Justice, and take the Oath mentioned in the Schedule to this Act annexed, and at the Time of making his Claim produce to the Officer under whose Command the Recruit shall be the Certificate of such Justice of his having taken such Oath, which Certificate such Justice is required to give in the Form in the Schedule to this Act annexed; nor unless such Apprentice shall have been bound, if in *England*, for the full Term of Five Years, (not having been above the Age of Fourteen Years when so bound,) and if in *Ireland* or in the *British Isles*, for the full Term of Five Years at the least, (not having been above the Age of Sixteen when so bound,) and if in *Scotland* for the full Term at least of Four Years, by a regular Contract or Indenture of Apprenticeship, duly extended, signed, and tested, and binding on both Parties by the Law of *Scotland*, prior to the Period of Enlistment, and unless such Contract or Indenture in *Scotland* shall, within Three Months after the Commencement of the Apprenticeship and before the Period of Enlistment, have been produced to a Justice of the Peace of the County in *Scotland* wherein the Parties reside, and there shall have been endorsed thereon by such Justice a Certificate or Declaration signed by him, specifying the Date when and the Person by whom such Contract or Indenture shall have been so produced, which Certificate or Declaration such Justice of the Peace is hereby required to endorse and sign; nor unless any such Apprentice shall, when claimed by such Master, be under Twenty-one Years of Age: Provided always, that any Master of an Apprentice indentured for the Sea Service shall be entitled to claim and recover him in the Form and Manner above directed, notwithstanding such Apprentice may have been bound for a less Term than Five or Four Years as aforesaid: Provided also, that any such Master who shall give up the Indentures of Apprenticeship within One Month after the enlisting of such Apprentice shall be entitled to receive, to his own Use, so much of the Bounty payable to such Recruit as shall not have been paid to such Recruit before Notice given of his being an Apprentice.

No Apprentice claimed by the Master shall be taken away without a Warrant.

LXXIII. No Apprentice claimed by his Master shall be taken from any Division, Detachment, Recruiting Party, or Ship of Her Majesty, except under a Warrant of a Justice residing near and within whose Jurisdiction such Apprentice shall then happen to be, and before whom he shall be carried; and such Justice shall inquire into the Matter upon Oath (which Oath he is hereby empowered to administer), and shall require the Production and Proof of the Indenture, and that Notice of the said Warrant has been given to the Commanding Officer, and a Copy thereof left with some Officer or Non-commissioned Officer of the Party, and that such Person so enlisted declared that he was no Apprentice; and such Justice, if required by such Officer or Non-commissioned Officer, shall commit the Offender to the Common Gaol of the County, Division, or Place for which such Justice is acting, and shall keep the Indenture to be produced when required, and shall bind over such Person as he may think proper to give Evidence against the Offender, who shall be tried at the next or at the Sessions immediately succeeding the next General or Quarter Sessions of such County, Division, or Place, unless the Court shall for just Cause put off the Trial; and the Production of the Indenture, with the Certificate of the Justice that the same was proved, shall be sufficient Evidence of the said Indenture; and every such Offender in *Scotland* may be tried by the Judge Ordinary in the County or Stewartry in such and the like Manner as any Person may be tried in *Scotland* for any Offence not inferring a Capital Punishment: Provided always, that any Justice not required as aforesaid to commit such Apprentice may deliver him to his Master.

Punishment of Apprentices enlisting.

Removal of Doubts as to Attestation of Marines.

LXXIV. No Person who shall for Six Months, and either before or after the passing of this Act, have received Pay and be borne on the Strength and Pay List of any Division of Her Majesty's Royal Marine Forces, of which the last Quarterly Pay List (if produced) shall be Evidence, or been borne as a Marine on the Books of any of Her Majesty's Ships in Commission, shall be entitled to claim his Discharge on the Ground of Error or Illegality in his Enlistment or Attestation, or on any other Ground whatsoever, but, on the contrary, every such Person shall be deemed to have been duly enlisted and attested.

Admiralty may order Pay to be withheld.

LXXV. It shall also be lawful for the Lord High Admiral, and also for the said Commissioners for executing the Office of Lord High Admiral, to give Orders for withholding the Pay of any Officer or Marine for any Period during which such Officer or Marine shall be absent without Leave, or improperly absent from his Duty, or in case of any Doubt as to the proper Issue of Pay to withhold

hold it from the Parties aforesaid until the said Lord High Admiral or the said Commissioners shall come to a Determination upon the Case.

LXXVI. And whereas there is and may be Occasion for the marching and also for the quartering of the Royal Marine Forces when on shore: Be it enacted, That during the Continuance of this Act, upon the Order or Orders in Writing in that Behalf under the Hand of the Lord High Admiral, or the Hands of Two or more of the Commissioners for executing the Office of Lord High Admiral, for the Time being, or upon the Order or Orders in Writing in that Behalf under the Hand of any Colonel Commandant or Commanding Officer of any Division of Royal Marines, it shall be lawful for all Constables and other Persons specified in this Act in *Great Britain* and *Ireland*, and they are hereby required, to billet the Officers and Marines, whether marching or otherwise, and all Staff and Field Officers Horses, and all Bât and Baggage Horses belonging to the Royal Marine Forces, when on actual Service, not exceeding for each Officer the Number for which Forage is or shall be allowed by Her Majesty's Regulations, in Victualling Houses and other Houses specified in this Act, taking care in *Ireland* not to billet less than Two Men in any One House; and they shall be received by the Occupiers of the Houses in which they are so billeted, and be furnished by such Victualler with proper Accommodation in such Houses, and with a separate Bed for each Marine, or if any Victualler shall not have sufficient Accommodation in the House upon which a Marine is billeted, then in some good and sufficient Quarters to be provided by such Victualler in the immediate Neighbourhood, and in *Great Britain* with Diet and Small Beer, and in *Great Britain* and *Ireland* with Stables, Oats, Hay, and Straw for such Horses as aforesaid, paying and allowing for the same the several Rates herein-after provided; and at no Time when Marines are on their March shall any of them be billeted above One Mile from the Place mentioned in the Route, Care being always taken that the Billets be made out for the less distant Houses in which suitable Accommodation can be found before making out Billets for the more distant; and in all Places where Marines shall be billeted in pursuance of this Act, the Officers and their Horses shall be billeted in one and the same House, except in case of Necessity; and the Constables are hereby required to billet all Marines on their March in the Manner required by this Act upon the Occupiers of all Houses within One Mile of the Place mentioned in the Route, and whether they be in the same or a different County in like Manner in every respect as if such Houses were all locally situated within such Place: Provided always, that nothing herein contained shall be construed to extend to authorize any Constable to billet Marines out of the County to which such Constable belongs when the Constable of the

Billeting of Marines.

the adjoining County shall be present and shall undertake to billet the due Proportion of Men in such adjoining County; and no more Billets shall at any Time be ordered than there are effective Marines and Horses present to be billeted; all which Billets, when made out by such Constables, shall be delivered into the Hands of the Commanding Officer present, or to the Non-commissioned Officer on the Spot; and if any Person shall find himself aggrieved by having an undue Proportion of Marines billeted in his House, and shall prefer his Complaint, if against a Constable or other Person not being a Justice, to One or more Justices, and if against a Justice, then to Two or more Justices, within whose Jurisdiction such Marines are billeted, such Justices respectively shall have Power to order such of the Marines to be removed and to be billeted upon other Persons as they shall see Cause; and when any Horses belonging to the Officers of Her Majesty's Royal Marine Forces shall be billeted upon the Occupiers of Houses who shall have no Stables, then, upon a written Requisition of the Officer commanding such Marines, the Constable is hereby required to billet the Horses upon some other Person or Persons having Stables, and who are by this Act liable to have Officers and Marines billeted upon them, and any Two or more Justices of the Peace may order a proper Allowance to be paid by the Persons relieved to the Persons receiving such Horses, or to be applied in the furnishing the requisite Accommodation; and the Commanding Officer may exchange any Man or Horse billeted in any Place with another Man or Horse billeted in the same Place, for the Convenience or Benefit of the Service, provided the Number of Men and Horses do not exceed the Number at that Time billeted on such Houses respectively; and the Constables are hereby required to billet such Men and Horses so exchanged accordingly; and it shall be lawful for any Justice, at the Request of any Officer or Non-commissioned Officer commanding any Marines requiring Billets, to extend any Route, or to enlarge the District within which Billets shall be required, in such Manner as shall appear to be most convenient to Her Majesty's Service: Provided also, that to prevent or punish all Abuses in billeting Marines, it shall be lawful for any Justice, within his Jurisdiction, by Warrant or Order under his Hand, to require any Constable to give him an Account in Writing of the Number of Officers and Marines who shall be quartered by such Constables, together with the Names of the Persons upon whom such Officers and Marines are billeted, stating the Street or Place where such Persons dwell, and the Signs, if any, belonging to the Houses: Provided always, that no Officer shall be compelled or compellable to pay anything for his Lodging where he shall be duly billeted: Provided also, that no Justice being an Officer of Royal Marines shall directly or indirectly be concerned in billeting or appointing Quarters under this Act.

LXXVII. The

LXXVII. The Innholder or other Person on whom any Marine is billeted in *Great Britain* shall, if required by such Marine, furnish him for every Day on the March, and for a Period not exceeding Two Days, when halted at any intermediate Place upon the March, and for the Day of the Arrival at the Place of final Destination, with One hot Meal in each Day, the Meal to consist of such Quantities of Diet and Small Beer as may be fixed by Her Majesty's Regulations, not exceeding One Pound and a Quarter of Meat previously to being dressed, One Pound of Bread, One Pound of Potatoes or other Vegetables, and Two Pints of Small Beer, and Vinegar, Salt, and Pepper, and for such Meal the Innholder or other Person furnishing the same shall be paid the Sum of Tenpence, and Twopence Halfpenny for a Bed; and all Innholders and other Persons on whom Marines may be billeted in *Great Britain* or *Ireland*, except when on the March in *Great Britain*, and entitled to be furnished with the hot Meal as aforesaid, shall furnish such Marines with a Bed and with Candles, Vinegar, and Salt, and shall allow them the Use of Fire, and the necessary Utensils for dressing and eating their Meat, and shall be paid in consideration thereof the Sum of Fourpence *per Diem* for each Marine; and the Sum to be paid to the Innholder or other Person on whom any of the Horses belonging to Her Majesty's Royal Marine Forces shall be billeted, in *Great Britain* or *Ireland*, for Ten Pounds of Oats, Twelve Pounds of Hay, and Eight Pounds of Straw, shall be One Shilling and Ninepence *per Diem* for each Horse; and every Officer or Non-commissioned Officer commanding a Division, Detachment, or Party shall every Four Days, or before they shall quit their Quarters if they shall not remain so long as Four Days, settle and discharge the just Demands of all Victuallers or other Persons upon whom such Officers, Marines, or Horses are billeted, out of the Pay and Subsistence of such Officers and Marines, before any Part of the said Pay or Subsistence be paid or distributed to them respectively; and if any such Officer or Non-commissioned Officer shall not pay the same as aforesaid, then, upon Complaint and Oath made thereof by any Two Witnesses before Two Justices of the Peace for the County, Riding, Division, Liberty, City, Borough, or Place where such Quarters were situate, sitting in Quarter or Petty Sessions, the Secretary of the Admiralty is hereby required, upon Certificate of the Justices before whom such Oath shall be made of the Sum due to Complainant, to order Payment of the Amount which shall be charged against such Officer; and in case of any Marines being suddenly ordered to march, and of the Commanding Officer or Non-commissioned Officer not being enabled to make Payment of the Sums due on account of Billets, every such Officer or Non-commissioned Officer shall before his Departure make up the Account with every Person upon whom any such Marines may have been billeted, and sign a Certificate thereof; which Account

Allowance to Innkeepers.

 and

and Certificate, on being transmitted to the Secretary of the Admiralty, shall be immediately paid, and charged to the Account of such Officer or Non-commissioned Officer.

Supply of Carriages.

LXXVIII. For the regular Provision of Carriages for the Royal Marine Forces and their Baggage on their Marches in *Great Britain* and *Ireland*, all Justices of the Peace within their several Jurisdictions, being duly required thereunto by Order of the said Lord High Admiral, or Two or more of the Commissioners for executing the said Office of Lord High Admiral for the Time being, or any Colonel Commandant or Commanding Officer of a Division of Royal Marines, shall, on the Production of such Order, or a Copy thereof certified by the Commanding Officer, to them or any One or more of them, by the Officer or Non-commissioned Officer of the Party of Marines so ordered to march, issue a Warrant to any Constable having Authority to act in any Place from, through, near, or to which such Marines shall be ordered to march, (for each of which Warrants a Fee of One Shilling only shall be paid,) requiring him to provide the Carriages, Horses, Oxen, and Drivers therein mentioned, (allowing sufficient Time to do the same,) specifying the Places from and to which the said Carriages shall travel, and the Distance between the Places, for which Distance only so specified Payment shall be demanded, and which Distance shall not, except in Cases of pressing Emergency, exceed the Day's March prescribed in the Order of Route, and shall in no Case exceed Twenty-five Miles; and the Constables receiving such Warrant shall order such Persons as they shall think proper, having Carriages, to furnish the requisite Supply, who are hereby required to furnish the same accordingly; and in case sufficient Carriages cannot be procured within the proper Jurisdiction, any Justice of the next adjoining Jurisdiction shall, by a like Course of Proceeding, supply the Deficiency; and in order that the Burden of providing Carriages may fall equally, and to prevent Inconvenience arising from there being no Justice residing near the Place where Marines may be quartered on the March, the Justice or Justices residing nearest to such Place shall cause a List to be made out, at least once in every Year, of all Persons liable to furnish such Carriages, and of the Number and Description of their said Carriages, which List shall at all seasonable Hours be open to the Inspection of the said Persons, and shall by Warrant under his Hand authorize the Constables within his Jurisdiction to give Orders to provide Carriages without any special Warrant from him for that Purpose, which Orders shall be valid in all respects; and all Orders for such Carriages shall be made from such Lists in regular Rotation, so far as the same can be done.

Rates for Carriages.

LXXIX. In every Case in which the whole Distance for which any Carriage shall be impressed shall be under One Mile the Rate of

of a full Mile shall be paid; and the Rates to be paid for Carriages impressed shall be, in *Great Britain*, for every Mile which a Waggon with Four or more Horses, or a Wain with Six Oxen or Four Oxen and Two Horses, shall travel, One Shilling; and for every Mile any Waggon with narrow Wheels, or any Cart with Four Horses carrying not less than Fifteen Hundredweight, shall travel, Ninepence; and for every Mile every other Cart or Carriage with less than Four Horses, and not carrying Fifteen Hundredweight, shall travel, Sixpence; and in *Ireland* for every Hundredweight loaded on any Wheel Carriage One Halfpenny *per* Mile; and in *Great Britain* such further Rates may be added, not exceeding a total additional Sum. *per* Mile of Fourpence, Threepence, or Twopence to the respective Rates of One Shilling, Ninepence, and Sixpence, as may seem reasonable to the Justices assembled at General Sessions for their respective Districts, or to the Recorder at the Sessions of the Peace of any Municipal City, Borough, or Town; and the Order of such Justices or Recorder shall specify the average Price of Hay and Oats at the nearest Market Town at the Time of fixing such additional Rates, and the Period for which the Order shall be enforced, not exceeding Ten Days, beyond the next General Sessions; and no such Order shall be valid unless a Copy thereof, signed by the presiding Magistrate and One other Justice, or by the Recorder, shall be transmitted to the Secretary of the Admiralty within Three Days after the making thereof; and also in *Great Britain*, when the Day's March shall exceed Fifteen Miles, the Justice granting his Warrant may fix a further reasonable Compensation not exceeding the usual Rate of Hire fixed by this Act; and when additional Rates or Compensation shall be granted, the Justice shall insert in his own Hand in the Warrant the Amount thereof, and the Date of the Order of Sessions, if fixed by Sessions, and the Warrant shall be given to the Officer commanding as his Voucher; and the Officer or Non-commissioned Officer demanding Carriages by virtue of the Warrant of a Justice shall, in *Great Britain*, pay down the proper Sums into the Hands of the Constable providing Carriages, who shall give Receipts for the same on unstamped Paper; and, in *Ireland*, the Officers or Non-commissioned Officers as aforesaid shall pay the proper Sums to the Owners or Drivers of the Carriages, and One Third Part of such Payment shall be made before the Carriage be loaded, and all the said Payments in *Ireland* shall be made, if required, in Presence of a Justice or Constable; and no Carriage shall be liable to carry more than Thirty Hundredweight in *Great Britain*, and in *Ireland* no Car shall be liable to carry more than Six Hundredweight, and no Dray more than Twelve Hundredweight; but the Owner of such Carriages in *Ireland* consenting to carry a greater Weight shall be paid at the same Rate for every Hundredweight of

of the said Excess; and the Owners of such Carriages in *Ireland* shall not be compelled to proceed, though with any less Weight, under the Sum of Threepence a Mile for each Car and Sixpence a Mile for each Dray; and the Loading of such Carriages in *Ireland* shall be first weighed, if required, at the Expense of the Owner of the Carriage, if the same can be done in a reasonable Time, without Hindrance of Her Majesty's Service: Provided also, that a Cart with One or more Horses, for which the Furnisher shall receive Ninepence a Mile, shall be required to carry Fifteen Hundredweight at the least; and that no Penalties or Forfeitures in any Act relating to Highways or Turnpike Roads in the United Kingdom shall apply to the Number of Horses or Oxen or Weight of Loading of the aforesaid Carriages, nor shall any such Carriages on that Account be stopped or detained; and whenever it shall be necessary to impress Carriages for the March of Marines from *Dublin*, at least Twenty-four Hours Notice of such March, and in case of Emergency as long Notice as the Case will admit, shall be given to the Lord Mayor of *Dublin*, who shall summon a proportional Number of Cars and Drays at his Discretion, out of the licensed Cars and Drays and other Cars and Drays within the County of the said City, and they shall by Turns be employed on this Duty at the Prices and under the Regulations herein-before mentioned; and no Country Cars, Drays, or other Carriages coming to Markets in Ireland shall be detained or employed against the Will of the Owners in carrying the Baggage of Marines on any Pretence whatever.

Providing for Supply of Carriages, &c. in Cases of Emergency.

LXXX. It shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, or the Lord Lieutenant or Chief Governors of *Ireland*, by their or his Orders distinctly stating that a Case of Emergency doth exist, signified by the Secretary of the Admiralty, or, if in *Ireland*, by the Chief Secretary or Under Secretary, or the First Clerk in the Military Department, to authorize any Commanding Officer of Her Majesty's Royal Marine Forces in any District or Place, or to the chief acting Agents for the Supply of Stores and Provisions, by Writing under his Hand, reciting such Order of the Lord High Admiral, or the said Commissioners, or Lord Lieutenant or Chief Governors aforesaid, to require all Justices within their several Jurisdictions in *Great Britain* and *Ireland* to issue their Warrants for the Provision, not only of Waggons, Wains, Carts, and Cars kept by or belonging to any Person and for any Use whatsoever, but also of Saddle Horses, Coaches, Postchaises, Chaises, and other Four-wheeled Carriages kept for Hire, and of all Horses kept to draw Carriages licensed to carry Passengers, and also of Boats, Barges, and other Vessels used for the Transport of any Commodities whatsoever upon any Canal or navigable

navigable River as shall be mentioned in the said Warrants, therein specifying the Place and Distance to which such Carriages or Vessels shall go; and on the Production of such Requisition, or a Copy thereof certified by the Commanding Officer, to such Justice, by any Officer of the Corps ordered to be conveyed, such Justice shall take all the same Proceedings in regard to such additional Supply so required on such Emergency as he is by this Act required to take for the ordinary Provision of Carriages; and all Provisions whatsoever of this Act as regards the procuring of the ordinary Supply of Carriages, and the Duties of Officers and Non-commissioned Officers, Justices, Constables, and Owners of Carriages in that Behalf, shall be to all Intents and Purposes applicable for the providing and Payment according to the Rates of Posting or of Hire usually paid for such other Description of Carriages or Vessels so required on Emergency, according to the Length of the Journey or Voyage in each Case, but making no Allowance for Post Horse Duty, or Turnpike, Canal, River, or Lock Tolls, which Duty or Tolls are hereby declared not to be demandable for such Carriages and Vessels while employed in such Service or returning therefrom; and it shall be lawful to convey thereon not only the Baggage, Provisions, and Military Stores of such Detachment, but also the Officers, Marines, Servants, Women, Children, and other Persons of and belonging to the same.

Justices of Peace to direct Payment of Sums expended for Carriages, &c.

LXXXI. It shall be lawful for the Justices of the Peace assembled at their Quarter Sessions to direct the Treasurer to pay, without Fee, out of the Public Stock of the County or Riding, or if such Public Stock be insufficient then out of Monies which the said Justices shall have Power to raise for that Purpose, in like Manner as for County Gaols and Bridges, such reasonable Sums as shall have been expended by the Constables within their respective Jurisdictions for Carriages and Vessels, over and above what was or ought to have been paid by the Officer requiring the same, regard being had to the Season of the Year and the Condition of the Ways by which such Carriages and Vessels are to pass; and in *Scotland* such Justices shall direct such Payments to be made out of the Rogues Money and Assessments directed and authorized to be assessed and levied by an Act passed during the Session holden during the Twentieth and Twenty-first Years of the Reign of Her present Majesty, Chapter Seventy-two.

Lord Lieutenant of Ireland may depute Persons to sign Routes.

LXXXII. It shall be lawful for the said Lord Lieutenant or other Chief Governor for the Time being of *Ireland* to depute, by Warrant under his Hand and Seal, some proper Person to sign Routes in Cases of Emergency for the marching of any of Her

Majesty's Royal Marine Forces in *Ireland*, in the Name of such Lord Lieutenant or Chief Governor.

Exemption from Tolls.

LXXXIII. All Officers and Marines on Duty or on their March, being in proper Uniform, Dress or Undress, and their Horses and Baggage, and all Recruits marching by Route, and all Prisoners under Military Escort, and all Carriages and Horses belonging to Her Majesty or employed in Her Service under the Provisions of this Act, or in any of Her Majesty's Colonies, when employed in conveying any such Persons as aforesaid or their Baggage or returning from conveying the same, shall be exempted from the Payment of any Duties and Tolls on embarking or disembarking from or upon any Pier, Wharf, Quay, or Landing Place, or in passing along or over any Turnpike or other Roads or Bridges, otherwise demandable by virtue of any Act already passed or hereafter to be passed, or by virtue of any Prescription, Grant, or Custom, or by virtue of any Act or Ordinance, Order or Direction, of any Colonial Legislature or other Authority in any of Her Majesty's Colonies; and if any Toll Collector shall demand or receive Toll from any Marine Officer or Marine on Duty or on their March, who shall be in proper Uniform, Dress or Undress, or for their Horses, and who by this Act is exempted from Payment thereof, or from any Recruits marching by Route, or from any Prisoners under Military Escort, or for any Carriages or Horses belonging to Her Majesty or employed in Her Service under the Provisions of this Act, when conveying Persons or Baggage, or returning therefrom, every such Collector shall for every such Offence be liable to a Penalty not exceeding Five Pounds; provided that nothing herein contained shall exempt any Boats, Barges, or other Vessels employed in conveying the said Persons, Horses, Baggage, or Stores along any Canal from Payment of Tolls in like Manner as other Boats, Barges, and Vessels are liable thereto, except when employed in Cases of Emergency as herein mentioned; and that when any Officers or Marines on Service shall have Occasion in the March by Route to pass regular Ferries in *Scotland*, the Officer commanding shall be at liberty to pass over with his Marines as Passengers, paying for himself and each Marine One Half only of the ordinary Rate payable by Passengers, or he shall be at liberty to hire the Ferry Boat for himself and his Party, debarring all others for that Time, and shall in such Case pay only Half the ordinary Rate for such Boat.

Marching Money on Discharge.

LXXXIV. Every Marine upon being discharged from the Service shall be entitled to an Allowance (not exceeding in any Case the Amount of Twenty-one Days Marching Money) to enable him to reach his Home, or the Place at which he shall at the Time of his Discharge

Discharge decide to take up his Residence, such Place not being at a greater Distance from the Place of his Discharge than the Place of his original Enlistment, which Allowance shall be calculated according to the Distance he has to travel: Provided always, that no Person who shall purchase his own Discharge, or be discharged on account of Misbehaviour, or at his own Desire, before the Expiration of his Period of Service, shall be entitled to any such Allowance.

Notification to Parishes of good or bad Conduct of Marines.

LXXXV. The Churchwardens of every Parish in *England* and *Ireland*, and the Constable or other Officer of every Parish or Place in *Scotland*, on receiving a Notification from the Secretary of the Admiralty of the Name of any Marine belonging to the said Parish or Place who has for meritorious Conduct received Her Majesty's special Approbation, or who in consequence of Misconduct has been dismissed Her Majesty's Service with Disgrace, shall affix to and leave such Notification on the Outside of the Door of the Church or Chapel belonging to such Parish or Place on the *Sunday* next after the Receipt of such Notification.

Penalties upon Civil Subjects offending against the Laws relating to Billets and Carriages.

LXXXVI. If any Constable or other Person who by virtue of this Act shall be employed in billeting any Officers or Marines in any Part of the United Kingdom shall presume to billet any such Officer or Marine in any House not within the Meaning of this Act without the Consent of the Owner or Occupier thereof; or shall neglect or refuse to billet any Officer or Marine on Duty when thereunto required, in such Manner as is by this Act directed, provided sufficient Notice be given before the Arrival of such Marines; or shall receive, demand, or agree for any Money or Reward whatsoever, in order to excuse any Person from receiving any such Officer or Marine; or shall quarter any of the Wives, Children, Men or Maid Servants of any Officer or Marine in any such Houses against the Consent of the Occupiers; or shall neglect or refuse to execute such Warrants of the Justices as shall be directed to him for providing Carriages, Horses, or Vessels, or shall demand more than the legal Rates for the same; or if any Person ordered by any Constable in manner herein-before directed to provide Carriages, Horses, or Vessels shall refuse or neglect to provide the same according to the Orders of such Constable, or shall demand more than the legal Rates for the same, or shall do any Act or Thing by which the Execution of any Warrants for providing Carriages, Horses, or Vessels shall be hindered; or if any Person liable by this Act to have any Officer or Marine quartered on him shall refuse to receive any such Officer or Marine, or to afford him proper Accommodation or Diet in the House of such Person in which he is quartered, or to furnish the several Things directed to be furnished to Officers and Marines, or shall

shall neglect or refuse to furnish good and sufficient Stables, together with good and sufficient Oats, Hay, and Straw in *Great Britain* and *Ireland*, for each Horse, in such Quantities and at such Rates as herein-before provided, or if any Innkeeper or Victualler not having good and sufficient Stables shall refuse to pay over to the Person or Persons who may provide Stabling such Allowance by way of Compensation as shall be directed by any Justice of the Peace, or shall pay any Sum of Money to any Marine on the March in lieu of furnishing in Kind the Diet and Small Beer to which such Marine is entitled; such Constable, Victualler, and other Person respectively shall forfeit for every Offence, Neglect, or Refusal any Sum not exceeding Five Pounds nor less than Forty Shillings; and if any Person shall personate or represent himself to be a Marine or Marine Recruit with the view of fraudulently obtaining a Billet or Money in lieu thereof, he shall for every such Offence forfeit any Sum not exceeding Five Pounds nor less than Twenty Shillings.

Penalty upon Officers of Marines so offending.

LXXXVII. If any Officer of Royal Marines shall take upon him to quarter Men otherwise than is allowed by this Act, or shall use or offer any Menace or Compulsion to or upon any Justice, Constable, or other Civil Officer tending to deter and discourage any of them from performing any Part of their Duty under this Act, or to do anything contrary thereto, such Officer shall for every such Offence, being thereof convicted before any Two or more Justices of the County by the Oath of Two credible Witnesses, be deemed and taken to be *ipso facto* cashiered, and shall be utterly disabled to hold any Military Employment in Her Majesty's Service; provided a Certificate of such Conviction be forthwith transmitted by the said Justices to the Secretary of the Admiralty, and that the Conviction be affirmed at some Quarter Sessions of the Peace for the said County to be held next after the Expiration of Three Months after such Certificate shall have been transmitted as aforesaid; and if any Marine Officer shall take or knowingly suffer to be taken from any Person any Money or Reward for excusing the quartering of Officers or Marines, or shall billet any of the Wives, Children, Men or Maid Servants of any Officer or Marine in any House against the Consent of the Occupier, he shall for any of the said Offences, upon being convicted thereof before a General Court-martial, be cashiered; and if any Officer shall constrain any Carriage to travel beyond the Distance specified in the Justice's Warrant, or shall not discharge the same in due Time for their Return home on the same Day if it be practicable, except in the Case of Emergency for which the Justice shall have given Licence, or shall compel the Driver of any Carriage to take up any Marine or Servant (except such as are sick) or any Woman to ride therein, except in Cases of Emergency as aforesaid, or shall force any Constable,

stable, by threatening Words, to provide Saddle Horses for himself or Servants, or shall force Horses from their Owners, or in *Ireland* shall force the Owner to take any Loading until the same shall be first duly weighed, if the same shall be required, and can be done within a reasonable Time, or shall, contrary to the Will of the Owner or his Servant, permit any Person whatsoever to put any greater Load upon any Carriage than is directed by this Act, he shall forfeit for every Offence any Sum not exceeding Five Pounds nor less than Forty Shillings.

LXXXVIII. Every Marine Officer or Marine who shall, without Warrant from One or more of Her Majesty's Justices, forcibly enter into or break open the Dwelling House or Outhouse of any Person whomsoever, in Pursuit of any Deserters, shall, upon due Proof thereof, forfeit the Sum of Twenty Pounds. Penalty for forcible Entry.

LXXXIX. Any Person who shall detain, buy, or exchange, or otherwise receive from any Marine or Marine Deserter, or any other Person acting for or on his Behalf, upon any Account or Pretence whatsoever, or who shall solicit or entice any Marine or Marine Deserter, or shall be employed by any Marine or Marine Deserter, knowing him to be such, to sell any Arms, Ammunition, Medals for Good Conduct, or Distinguishment, or other Service, Marine Clothes, or Military Furniture, or any other Articles which, according to the Custom of the Marine Corps, are generally deemed Regimental or Divisional Necessaries, or any Provisions, Sheets, or other Articles used in Barracks or provided under Barrack Regulations, whether on shore or afloat, and whether the Marine or Marine Deserter or other Person be or be not borne on the Books of any One of Her Majesty's Ships, or be or be not embarked, or who shall have in his or her Possession or Keeping any Arms, Ammunition, Medals, Marine Clothes, or Military Furniture, or any other Articles which, according to the Custom of the Marine Corps, are generally deemed Regimental or Divisional Necessaries, or any Provisions, Spirits, Sheets, or other Articles used in Barracks or provided under Barrack Regulations, and shall not give a satisfactory Account how he or she came by the same, or shall change or cause the Colour or Mark of any such Clothes, Appointments, Necessaries, Sheets, or other Articles to be changed or defaced, shall forfeit for every such Offence any Sum not exceeding Twenty Pounds, together with Treble the Value of all or any of the several Articles of which such Offender shall so become or be possessed; and if any Person having been so convicted shall afterwards be guilty of any such Offence, he shall for every such Offence forfeit any Sum not Penalty for purchasing Clothes, &c. from any Marine.

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exceeding Twenty Pounds but not less than Five Pounds, and the Treble Value of all or any of the several Articles of which such Offender shall have so become possessed, and shall, in addition to such Forfeiture, be committed to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned with or without Hard Labour, for such Term not exceeding Six Calendar Months as the convicting Justice or Justices shall think fit; and upon any Information against any Person for a Second or any subsequent Offence, a Copy of the former Conviction, certified by the proper Officer having the Care or Custody of such Conviction, or any Copy of the same proved to be a true Copy, shall be sufficient Evidence to prove such former Conviction; and if any credible Person shall prove, on Oath before a Justice of the Peace or Person exercising like Authority according to the Laws of that Part of Her Majesty's Dominions in which the Offence shall be committed, a reasonable Cause to suspect that any Person has in his or her Possession or on his or her Premises any Property of the Description herein-before described, on or with respect to which any such Offence shall have been committed, such Justice may and he is hereby required to grant a Warrant to search for such Property as in the Case of stolen Goods; and if upon such Search any such Property shall be found the same shall and may be seized by the Officer charged with the Execution of such Warrant, who shall bring the Offender in whose Possession the same shall be found before the same or any other Justice of the Peace, to be dealt with according to Law.

Penalty on unlawful recruiting.

XC. Every Person (except such Recruiting Parties as may be stationed under Military Command) who shall cause to be advertised, posted, or dispersed Bills for the Purpose of procuring Recruits or Substitutes for the Royal Marines, or shall open or keep any House or Place of Rendezvous or Office, or receive any Person therein under such Bill or Advertisement as connected with the Marine Recruiting Service, or shall directly or indirectly interfere therewith, without Permission in Writing from the Lord High Admiral or the said Commissioners for executing the Office of Lord High Admiral, shall forfeit for every such Offence a Sum not exceeding Twenty Pounds.

Penalty on Officers killing Game.

XCI. For the better Preservation of the Game and Fish in or near Places where any Officer shall at any Time be quartered, every Officer who shall, without Leave in Writing from the Person or Persons entitled to grant such Leave, take, kill, or destroy any Game or Fish within the United Kingdom, shall for every such Offence forfeit the Sum of Five Pounds.

XCII. If

XCII. If any Action shall be brought against any Member or Members of a Court-martial to be assembled under the Authority of this Act, or of any Act heretofore passed for the Regulation of Her Majesty's Royal Marine Forces while on shore, in respect of the Proceedings or the Sentence thereof, or against any other Person, for anything done in pursuance or under the Authority of this Act, or of any Act heretofore passed for the Regulation of Her Majesty's Royal Marine Forces while on shore, the same shall be brought in some One of the Courts of Record at *Westminster* or *Dublin*, or in the Court of Session in *Scotland*, and shall be commenced within Six Months next after the Cause of Action shall arise; and it shall be lawful for the Defendant or Defendants therein, or in any such Action now pending, to plead thereto the General Issue, and to give all special Matter in Evidence on the Trial; and if the Verdict shall be for the Defendant in any such Action, or if the Plaintiff shall become nonsuit or suffer any Discontinuance thereof, or if, in *Scotland*, the Court shall see fit to assoilzie the Defendant or dismiss the Complaint, the Court in which the Matter shall be tried shall allow the Defendant Treble Costs, for the Recovery of which he shall have the like Remedy as in other Cases where Costs by the Laws of this Realm are given to Defendants. Limitations of Actions.

XCIII. All Offences for which any pecuniary Penalty or Forfeiture not exceeding Twenty Pounds, over and above any Forfeiture of Value or Treble Value, is by this Act imposed, shall and may be heard and determined by any Justice of the Peace in or near to the Place where the Offence shall be committed, or where the Offender may at any Time happen to be; and all such Penalties and Forfeitures, and Forfeiture of Value and Treble Value, and also the reasonable Costs attending the Prosecution, to be duly ascertained and awarded by such Justice, shall and may be enforced and recovered in the same Manner as any pecuniary Penalties may be recovered under the Provisions of an Act passed in the Twelfth Year of the Reign of Her Majesty, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within* England *and* Wales *with respect to summary Convictions and Orders:* Provided always, that in all Cases in which there shall not be sufficient Goods whereon any Penalty or Forfeiture or Treble Value can be levied, the Offender may be committed and imprisoned, with or without Hard Labour, for any Time not exceeding Six Calendar Months; which said recited Act shall be used and applied in *Scotland* and in *Ireland* for the Recovery of all such Penalties and Forfeitures or Treble Value as fully to all Intents as if the said recited Act had extended to *Scotland* and *Ireland*, anything in the said recited Act, or in an Act passed in the Fourteenth Recovery of Penalties. 11 & 12 Vict. c. 43.

teenth and Fifteenth Years of the Reign of Her Majesty Queen *Victoria*, intituled *An Act to consolidate and amend the Acts regulating the Proceedings at Petty Sessions, and the Duties of Justices of the Peace out of Quarter Sessions, in* Ireland, to the contrary notwithstanding; and all such Offences committed in the *British Isles*, or in any of Her Majesty's Dominions other than the United Kingdom, may be determined, and the Penalties and Forfeitures of Value or Treble Value recovered, before any Justices of the Peace or Persons exercising like Authority, according to the Laws of Her Majesty's Dominions in which the Offence shall be committed or the Offender may at any Time happen to be, and for Default of Payment the Offender shall be punished as if the Offence had been committed in the United Kingdom; and all Penalties and Forfeitures by this Act imposed exceeding Twenty Pounds shall be recovered by Action in some of the Courts of Record at *Westminster* or in *Dublin*, or in the Court of Session in *Scotland*, and in no other Court in the United Kingdom, and may be recovered in the *British Isles*, or in any other Part of Her Majesty's Dominions, in any of the Royal or Superior Courts of such Isles or other Parts of Her Majesty's Dominions.

14 & 15 Vict. c. 93.

Appropriation of Penalties.

XCIV. One Moiety of every such Penalty or Forfeiture, not including any Treble Value of any Articles, shall go to the Person who shall inform or sue for the same, and the other Moiety, together with the Treble Value of such Articles, or where the Offence shall be proved by the Person who shall inform, then the whole of the Penalty and such Treble Value, shall be paid over and applied in such Manner as the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral shall direct, anything in an Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, or in any other Act or Acts of Parliament, to the contrary notwithstanding; and every Justice who shall adjudge any Penalty under this Act shall within Four Days thereafter at the furthest report the same, and his Adjudication thereof, to the Secretary of the Admiralty.

5 & 6 W. 4. c. 76.

Licences of Canteens.

XCV. It shall be lawful for any Two Justices of the Peace, within their respective Jurisdictions, to grant or transfer any Licence for selling by Retail any Spirit, Beer, Wine, Cider, or Perry, to any Person or Persons applying for the same who shall hold any Canteen under any Lease thereof, or by Agreement with any Department or other Authority under the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral for the Time being, without regard to the Time of Year, or any Notices or Certificates

Certificates required by any Act in respect of such Licences; and the Commissioners of Excise or their proper Officers within their respective Districts shall also grant or transfer any such Licence as aforesaid; and such Persons holding such Canteens, and having such Licences as aforesaid, may sell therein Victuals, and all such exciseable Liquors as they shall be licensed and empowered to sell, without being subject for so doing to any Penalty or Forfeiture whatever.

Mode of recording a Marine's Settlement.

XCVI. Any Justice in the United Kingdom within whose Jurisdiction any Marine shall be quartered on shore may summon such Marine before him, which Summons such Marine is hereby required to obey, and take his Examination in Writing upon Oath touching the Place of his last legal Settlement; and such Justice shall give an attested Copy of such Examination to the Person so examined, to be by him delivered to his Commanding Officer to be produced when required; which said Examination and such attested Copy thereof shall be at any Time admitted as good and legal Evidence as to such legal Settlement before any Justice or at any General or Quarter Sessions of the Peace, although such Marine be dead or absent from the Kingdom: Provided always, that in case any Marine shall be again summoned to make Oath as aforesaid, then, on such Examination or such attested Copy being produced, such Marine shall not be obliged to make any other or further Oath with regard to his legal Settlement, but shall leave with such Justice a Copy of such Examination or a Copy of such attested Copy of Examination, if required: Provided also, that when no such Examination shall have been required, the Statement made on Oath by the Recruit on his Attestation of his Place of Birth shall be taken to be his last Place of Settlement until legally disproved.

Administration of Oaths

Perjury.

XCVII. All Oaths and Declarations which are authorized or required by this Act may be administered (unless where otherwise provided) by any Justice of the Peace or other Person having Authority to administer Oaths and Declarations; and any Person giving false Evidence or taking a false Oath or Declaration where an Oath or Declaration is authorized or required to be taken by this Act, and being thereof duly convicted, shall be deemed guilty of wilful and corrupt Perjury, and shall be liable to such Pains and Penalties as Persons convicted of wilful and corrupt Perjury are or may be subject and liable to; and every Commissioned Officer convicted before a General Court-martial of Perjury shall be cashiered, and every Marine or other Person amenable to the Provisions of this Act found guilty thereof by a General or other Court-martial shall be punished at the Discretion of such Court.

Definition of Terms.

XCVIII. All Clauses and Provisions in this Act contained relating to *England* shall be construed to extend to *Wales* and to the Town of *Berwick-upon-Tweed;* and the Provisions of this Act shall apply to all Persons who are or shall be commissioned or in Pay as an Officer of Royal Marines, or who are or shall be listed or in Pay as a Non-commissioned Officer or Marine; and all Clauses and Provisions relating to Marines shall be construed to include Non-commissioned Officers and Drummers, unless when otherwise provided; and all Clauses and Provisions relating to Justices shall be construed to extend to all Magistrates authorized to act as such in their respective Jurisdictions; and all the Powers given to and Regulations made for the Conduct of Constables, and all Penalties and Forfeitures for any Neglect thereof, shall extend to all Tithingmen, Headboroughs, and such like Officers, and to all Inspectors or other Officers of Police, and to High Constables and other Chief Officers and Magistrates of Cities, Towns, Villages, and Places in *England* and *Ireland*, and to all Justices of the Peace, Magistrates of Burghs, Commissioners of Police, and other Chief Officers and Magistrates of Cities, Towns, Villages, Parishes, and Places in *Scotland*, who shall act in the Execution of this Act; and all Powers and Provisions for billeting Marines in Victualling Houses shall extend and apply to all Inns, Hotels, Livery Stables, Alehouses, and to the Houses of Sellers of Wine by Retail, whether *British* or Foreign, to be drunk in their own Houses or Places thereunto belonging, to all Houses of Persons licensed to sell Beer, Ale, Porter, Cider, or Perry by Retail, to be consumed or drunk in their Dwelling Houses or Premises, and to all Houses of Persons selling Brandy, Spirits, Strong Waters, Cider, or Metheglin, by Retail in *Great Britain* and *Ireland;* and in *Ireland*, when there shall not be found sufficient Room in such Houses, then Marines may be billeted in such Manner as has been heretofore customary: Provided always, that no Officer or Marine shall be billeted in *Great Britain* in any private Houses or in any Canteen held or occupied under the Authority of the Admiralty, War, or Marine Department, or upon Persons who keep Taverns only, being Vintners of the City of *London* admitted to their Freedom of that Company in right of Patrimony or Apprenticeship, notwithstanding such Persons who keep such Taverns only have taken out Victualling Licences; nor in the House of any Distiller kept for distilling Brandy and Strong Waters; nor in the House of any Shopkeeper whose principal Dealings shall be more in other Goods and Merchandise than in Brandy and Strong Waters, so as such Distillers and Shopkeepers do not permit Tippling in such Houses; nor in the House or Residence in any Part of the United Kingdom of any Foreign Consul duly accredited as such.

Marines not to be billeted in private Houses, &c.

XCIX. This

Marine Mutiny.

XCIX. This Act shall be in force within *Great Britain* from the Twenty-fifth Day of *April* One thousand eight hundred and sixty until the Twenty-fifth Day of *April* One thousand eight hundred and sixty-one inclusive; and within *Ireland*, and in *Jersey*, *Guernsey*, *Alderney*, *Sark*, and the *Isle of Man*, and the Islands thereto belonging, from the First Day of *May* One thousand eight hundred and sixty until the First Day of *May* One thousand eight hundred and sixty-one inclusive; and within the Garrison of *Gibraltar*, and in *Spain* and *Portugal*, from the Twenty-fifth Day of *July* One thousand eight hundred and sixty until the Twenty-fifth Day of *July* One thousand eight hundred and sixty-one inclusive; and in all other Parts of *Europe* where Royal Marine Forces may be serving, and the *West Indies* and *North America*, and *Cape of Good Hope*, from the Twenty-fifth Day of *September* One thousand eight hundred and sixty until the Twenty-fifth Day of *September* One thousand eight hundred and sixty-one inclusive; and in all other Places from the Twenty-fifth Day of *November* One thousand eight hundred and sixty until the Twenty-fifth Day of *November* One thousand eight hundred and sixty-one inclusive. Duration of Act.

SCHE-

SCHEDULE referred to by this Act.

Form of Oaths to be taken by Members of Courts-martial.

YOU shall well and truly try and determine according to the Evidence in the Matter now before you. So help you GOD.

YOU shall duly administer Justice, according to the Rules and Articles for the better Government of Her Majesty's Royal Marine Forces, and according to an Act now in force for the Regulation of the said Forces while on shore, without Partiality, Favour, or Affection, and if any Doubt shall arise which is not explained by the said Articles or Act, according to your Conscience, the best of your Understanding, and the Custom of War in the like Cases: And you shall not divulge the Sentence of the Court until it shall be duly approved; neither shall you, upon any Account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in a due Course of Law. So help you GOD.

Form of Oath of Judge Advocate.

I do swear, That I will not, upon any Account whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in a due Course of Law; and that I will not, unless it be necessary for the due Discharge of my official Duties, disclose the Sentence of the Court until it shall be duly approved.

So help me GOD.

NOTICE to be given to a RECRUIT at the Time of his ENLISTMENT.

Date 186 .

A.B.

TAKE Notice, That you enlisted with at o'Clock* on the Day of for the Royal Marines, and if you do not come forward on or before o'Clock* on the Day of for the Purpose of being taken before a Justice, either to be attested or to release yourself from your Engagement by repaying the Enlisting Shilling and any Pay you may have received as a Recruit, and by paying *Twenty* Shillings as Smart Money, you will be liable to be punished as a Rogue and Vagabond.

You are hereby also warned that you will be liable to the same Punishment if you make any wilfully false Representations at the Time of Attestation.

Signature of the Non-commissioned Officer serving the Notice. } _____

* At A.M. or P.M., as the Case may be.

DECLARATION to be made by RECRUIT on ATTESTATION.

I of the Parish of in or near the Town of in the County of , do solemnly and sincerely declare, That I am to the best of my Knowledge and Belief Years of Age; that I am not an Apprentice; that I am not married; that I do not belong to the Militia, or to the Naval Coast Volunteers, or the Royal Naval Volunteers, or to any Portion of Her Majesty's Land or Sea Forces; that I have never served Her Majesty by Land or Sea in any Military, Marine, or Naval Employment whatsoever, except ; that I have never been marked with the Letter D; that I have never been rejected as unfit for Her Majesty's Service on any previous Enlistment; that I was enlisted at on the Day of 186 , at o'Clock M. by of , and that I have read [*or* had read to me] the Notice then given to me and understood its Meaning; that I enlisted for a Bounty of and a free Kit [*as the Case may be*] and have no Objection to make to the Manner of my Enlistment; that I am willing to be attested to serve in the Royal Marines for the Term of [*the Blank after the Words* "Term of" *to be filled up with Twelve Years, if the Person enlisted is of the Age of Eighteen Years or upwards; but if under that Age, then the Difference between his Age and Eighteen is to be added to such Twelve Years*], provided

Her Majesty should so long require my Services, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station.

_____ *Signature of Recruit.*
_____ *Signature of Witness.*
_____ *Signature of Justice.*

OATH to be taken by a RECRUIT on ATTESTATION.

I do make Oath, That I will be faithful and bear true Allegiance to Her Majesty, Her Heirs and Successors; and that I will, as in Duty bound, honestly and faithfully defend Her Majesty, Her Heirs and Successors, in Person, Crown, and Dignity, against all Enemies; and will observe and obey all Orders of Her Majesty, Her Heirs and Successors, and of the Generals and Officers set over me.

So help me GOD.

Witness my Hand, _____ *Signature of the Recruit.*
_____ *Witness present.*

Sworn before me at this Day of One thousand eight hundred and at o'Clock.

_____ *Signature of the Justice.*

DECLARATION to be made by a MARINE renewing his Service.

I do declare, That I am at present [*or* was, *as the Case may be*,] in the Division of the Royal Marine Forces; that I enlisted on the Day of for a Term of Years; that I am of the Age of Years; and that I will serve Her Majesty, Her Heirs and Successors, as a Marine, for a further Term of Years [*to be filled up with such Number of Years as shall be required to complete a total Service of Twenty-one Years*], provided my Services should so long be required, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station.

_____ *Signature of Marine.*
_____ *Signature of Witness.*

Declared before me, _____

FORM

FORM of OATH to be taken by a MASTER whose Apprentice has absconded.

I of do make Oath, That I am by Trade a , and that was bound to serve as an Apprentice to me in the said Trade, by Indenture dated the Day of for the Term of Years; and that the said did on or about the Day of last abscond and quit my Service without my Consent, and that to the best of my Knowledge and Belief the said is aged about Years. Witness my Hand at the Day of One thousand eight hundred and

Sworn before me at this Day of One thousand eight hundred and .

FORM of JUSTICE'S CERTIFICATE to be given to the MASTER of an Apprentice.

to wit. } I One of Her Majesty's Justices of the Peace of certify, That of came before me at the Day of One thousand eight hundred and , and made Oath that he was by Trade a , and that was bound to serve as an Apprentice to him in the said Trade, by Indenture dated the Day of , for the Term of Years; and that the said Apprentice did on or about the Day of abscond and quit the Service of the said without his Consent, and that to the best of his Knowledge and Belief the said Apprentice is aged about Years.

DESCRIPTION

Marine Mutiny.

DESCRIPTION RETURN of who was apprehended [*or* surrendered himself, *as the Case may be*] on the Day of and was committed to Confinement at on the Day of as Deserter from the Royal Marines.

Age - - - - - -	
Height - - - - -	Feet. Inches.
Complexion - - - -	
Hair - - - -	
Eyes - - - - -	
Marks - - - -	
Probable Date of Enlistment, and where	
Probable Date of Desertion, and from what Place - - - -	
* Name and Occupation and Address of the Person by whom apprehended	
* Particulars of the Evidence on which the Prisoner is committed; and showing whether he surrendered or was apprehended, and in what Manner, and upon what Grounds	

* It is important for the Public Service, and for the Interest of the Deserter, that this Part of the Return should be accurately filled up, and the Details should be inserted by the Magistrate in his own Handwriting, or, under his Direction, by his Clerk.

I do hereby certify, that the Prisoner has been duly examined before me as to the Circumstance herein stated, and has declared in my Presence that he† a Deserter from the above-mentioned Corps.

——— *Signature and Address of Magistrate.*

——— *Signature of Prisoner.*

——— *Signature of Informant.*

† Insert "is" or "is not," as the Case may be.

I certify, that I have inspected the Prisoner, and consider him ‡ for Military Service.

——— *Signature of Military Medical Officer, or of Private Medical Practitioner.*

‡ Insert "fit" or "unfit," as the Case may be, and if unfit, state the Cause of Unfitness.

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under such Endowment to learn or to be instructed according to the Doctrines or Formularies of such Church, Sect, or Denomination.

Act not to apply to certain Institutions or to Scotland or Ireland.

II. This Act shall not apply to any of the Institutions mentioned in Section Twenty-four of the Act of the Third and Fourth of *Victoria*, Chapter Seventy-seven, entitled *An Act for improving the Condition and extending the Benefits of Grammar Schools*, nor to any School established or to be established by or in union with or to be in union with the National Society for promoting the Education of the Poor in the Principles of the Established Church, nor to any Institution maintained wholly by voluntary Subscriptions, or partly by voluntary Subscriptions and partly by School Payments, nor to *Scotland* or *Ireland*.

Short Title.

III. This Act may be cited as "The Endowed Schools Act, 1860."

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CAP. XII.

An Act to apply the Sum of Eight hundred and fifty thousand Pounds out of the Consolidated Fund to the Service of the Year ending the Thirty-first Day of *March* One thousand eight hundred and sixty. [31st *March* 1860.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, towards making good the Supply which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to grant unto Your Majesty the Sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. There shall and may be issued and applied, for or towards making good the Supply granted to Her Majesty for the Service of the Year ending the Thirty-first Day of *March* One thousand eight hundred and sixty, the Sum of Eight hundred and fifty thousand

There shall be applied for the Service of the Year ending the 31st Day

of March 1860 the Sum of 850,000*l.* out of the Consolidated Fund.

thousand Pounds out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland* for the Time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

The Treasury may cause 850,000*l.* of Exchequer Bills to be made out in Manner prescribed by 48 G. 3. c. 1., 4 & 5 W. 4. c. 15., and 5 & 6 Vict. c. 66.

II. It shall be lawful for the said Commissioners of Her Majesty's Treasury from Time to Time, by Warrant under their Hands, to cause or direct any Number of Exchequer Bills to be made out at the Receipt of Her Majesty's Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole the Sum of Eight hundred and fifty thousand Pounds; and such Exchequer Bills shall be made out in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions, as are directed and prescribed in an Act passed in the Forty-eighth Year of the Reign of His Majesty King *George* the Third, Chapter One, and in another Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, Chapter Fifteen, and in another Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, Chapter Sixty-six.

The Clauses, &c. in recited Acts extended to this Act.

III. All and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said Acts shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually to all Intents and Purposes as if particularly repeated and re-enacted in this Act.

Interest on Exchequer Bills.

IV. The Exchequer Bills to be made out in pursuance of this Act shall and may bear an Interest not exceeding the Rate of Threepence Halfpenny *per Centum per Diem* upon or in respect of the whole of the Moneys respectively contained therein.

Bank of England may advance 850,000*l.* on the Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.

V. It shall and may be lawful for the Governor and Company of the Bank of *England*, and they are hereby empowered, to take, accept, and receive the Exchequer Bills authorized to be made out in pursuance of this Act, and to advance or lend to Her Majesty, at the Receipt of the Exchequer at *Westminster*, upon the Credit of the Sum granted by this Act, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, any Sum or Sums of Money not exceeding in the whole the Sum of Eight hundred and fifty thousand Pounds, anything in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, Chapter Twenty,

Twenty, or in any other Act or Acts, to the contrary notwithstanding.

VI. It shall be lawful for the said Commissioners of Her Majesty's Treasury, and they are hereby authorized and empowered, to cause such Exchequer Bills as shall be prepared by virtue of this Act to be delivered from Time to Time to the Governor and Company of the Bank of *England*, in such Proportions as the Public Service may require, as Security for any Advance or Advances which may be made to Her Majesty by the said Governor and Company of the Bank of *England*, under the Authority of this Act.

Bills prepared by virtue of this Act to be delivered to the Bank, as Security for such Advances.

VII. It shall be lawful for the said Commissioners of Her Majesty's Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be made out in pursuance of this Act to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament.

Moneys raised by Bills to be applied to the Services voted by the Commons.

VIII. The Principal Sum or Sums of Money to be contained in all such Exchequer Bills to be made forth by virtue of this Act, together with the Interest that may become due thereon, shall be and the same are hereby made chargeable and charged upon the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, at any Period not later than the next succeeding Quarter to that in which the said Exchequer Bills have been issued; and it shall be lawful for the said Commissioners of Her Majesty's Treasury for the Time being, and they are hereby authorized, from Time to Time, by Warrant under their Hands, to direct the Comptroller General of the Receipt of the Exchequer at *Westminster*, in such Manner as they shall think necessary, to grant a Credit on the Exchequer Funds in the Bank of *England* unto such Person or Persons as shall be named in the said Warrant, for any Sum or Sums of Money not exceeding in the whole a Sum sufficient to discharge and pay off the Principal Sum or Sums of Money contained in such Exchequer Bills then outstanding, and which may have been made out and issued by virtue of this Act, together with all such Interest as may be due thereupon.

Exchequer Bills made chargeable upon the growing Produce of the Consolidated Fund.

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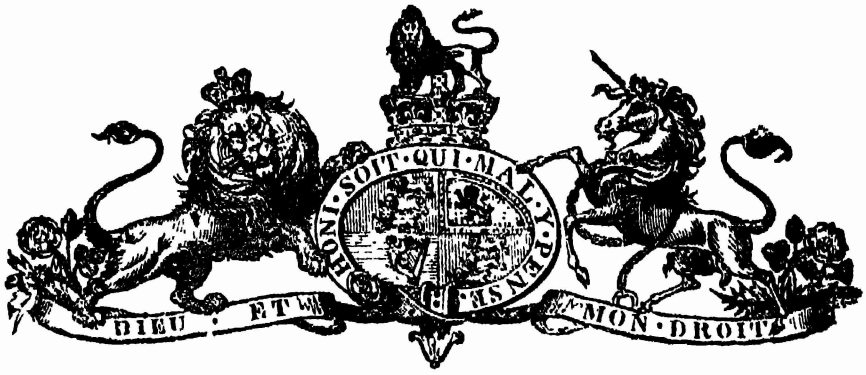

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Provision in case of Disputes arising.

the contrary notwithstanding; and in case any Dispute shall arise between any such Society and any such Man by reason of such Enrolment or Service, it shall be considered as being a Dispute directed by the Rules of such Society to be decided by Justices of the Peace, pursuant to the Provisions of the Acts in force relating to Friendly Societies.

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to say, upon the annual Value or Amount of any Property, Profits, or Gains (except Property, Profits, and Gains described as chargeable under Schedule (B.) of the said Act) the Rate or Duty of Tenpence for every Twenty Shillings of the annual Value or Amount of all such Property, Profits, and Gains respectively; and for and in respect of the Occupation of Lands, Tenements, Hereditaments, and Heritages described as chargeable under Schedule (B.) of the said Act, the Rate or Duty of Fivepence in *England* and Threepence Halfpenny in *Scotland* and *Ireland* respectively for every Twenty Shillings of the annual Value thereof.

Duties to be assessed and raised under Provisions of former Acts.

II. The Duties hereby granted shall be assessed, raised, levied, and collected under the Regulations and Provisions of the said last-mentioned Act and of the several Acts therein mentioned or referred to, so far as the same are or may be applicable, consistently with the express Provisions of this Act; and all the Powers, Regulations, and Penalties of the said Acts shall, so far as aforesaid, be applied, enforced, and put in execution with respect to the Duties granted by this Act.

The Sums assessed under certain Schedules for the last Year to be taken as the annual Value for this Act.

III. The Sum charged as the annual Value of any Property, Profits, or Gains in the several and respective Assessments made under Schedules (A.) (B.) (D.) and (E.) of the said Act for the Year ending on the Fifth Day of *April* One thousand eight hundred and sixty, shall (except as to Railways and otherwise, as herein-after provided,) be taken as the annual Value or Amount of such Property, Profits, or Gains for the Year commencing on the Sixth Day of *April* One thousand eight hundred and sixty; and the Duties granted by this Act shall be computed and charged according to such annual Value or Amount, and shall be collected, levied, and paid for the said Year commencing on the Sixth Day of *April* One thousand eight hundred and sixty, subject, nevertheless, to be increased, abated, or discharged in like Manner as the Assessments made for the Year ending on the said Fifth Day of *April* One thousand eight hundred and sixty: Provided, whenever it shall appear that any Property, Profits, or Gains chargeable under this Act have not been charged by the Assessments made for the said last-mentioned Year, such Property, Profits, and Gains shall be assessed to the Duties granted by this Act, under the Provisions of the said several Acts applicable thereto.

Property, &c. not charged for the last Year to be assessed under this Act.

Where since the last Assessment Property has been divided, Proportions of the Tax to be settled.

IV. If since the making of any Assessment under Schedules (A.) and (B.) for the Year ending the Fifth Day of *April* One thousand eight hundred and sixty the Lands thereby charged shall have been divided into Two or more distinct Occupations, the Commissioners for General Purposes shall, on the Appeal of the Parties interested respectively, settle and adjust what Proportion of the Duties granted by

by this Act under the said Schedules shall be paid or borne by each Occupier; and the Amount apportioned on the respective Parties shall be collected and levied in like Manner as an original Assessment.

V. No Assessment shall be made under this Act by the Commissioners for General Purposes in respect of the annual Value or Profits and Gains arising from any Railway, but in lieu thereof every such Assessment shall be made by the Commissioners for Special Purposes, and upon the Value or Profits and Gains for the Year ending the Fifth Day of *April* One thousand eight hundred and sixty, and the said last-mentioned Commissioners shall notify the Assessment to the Secretary or other Officer of the Company upon which the same shall be made, and the Amount of such Assessment shall be paid, collected, and levied in like Manner as any other Assessment made by the said Commissioners for Special Purposes.

Commissioners for Special Purposes to assess Railways;

VI. In like Manner as aforesaid the Commissioners for Special Purposes shall assess the Duties payable under Schedule (E.) in respect of all Offices and Employments of Profit held in or under any Railway Company, and shall notify to the Secretary or other Officer of such Company the Particulars thereof, and the said Assessment shall be deemed to be and shall be an Assessment upon the Company, and paid, collected, and levied accordingly; and it shall be lawful for the Company or such Secretary or other Officer to deduct and retain out of the Fees, Emoluments, or Salary of each such Officer or Person the Duty so charged in respect of his Profits and Gains.

and also the Persons employed by Railway Companies.

VII. It shall be lawful for any Person assessed to the Duty chargeable under Schedule (A.) of the said Act in respect of any Mine of Coal, Tin, Lead, Copper, Mundic, or Iron, or any other Mine, or any Quarry of Stone or Slate, to appeal against any such Assessment to the Commissioners for Special Purposes, instead of the Commissioners for General Purposes, if he shall think fit, and give due Notice of his Intention so to do, and thereupon such Appeal shall be heard and determined by Two or more of the Commissioners for Special Purposes in like Manner as any Appeal against an Assessment of the Duties contained in Schedule (D.) of the said Acts may lawfully be heard and determined by them; and all Powers and Authorities, Rules and Regulations, contained in the said Acts in relation to any such last-mentioned Assessment and Appeal, and to the carrying into execution and enforcing the Determination of the said Commissioners for Special Purposes thereon, shall be exercised and put in force in relation to any Appeal by this Act authorized to be made to the said last-mentioned Commissioners and their Determination thereon.

Power for Persons assessed for Mines or Quarries to appeal to the Special Commissioners.

VIII. The

Duties to be collected and accounted for.

VIII. The several Collectors shall pay to the proper Officer for Receipt or to his Deputy all the Monies of the said Duties collected and levied by such Collectors, on the respective Days to be appointed by such Officer for Receipt or his Deputy next after the Receipt of the said Duties by the said Collectors, and shall at the same Time account for the Duties given them in charge respectively, and then payable by Law, in like Manner as they are now by Law required to account halfyearly.

Exemption where Income under 100*l.*, and Abatement where less than 150*l.*

IX. Any Person assessed or charged to any of the Duties granted by this Act who shall prove that his aggregate annual Income is less than One hundred Pounds shall be exempt from the said Duties; and any Person who shall be assessed or charged to any of the said Duties, or shall have paid the same, either by Deduction or otherwise, and who shall claim and prove that his total Income from every Source, although amounting to One hundred Pounds or upwards, is less than One hundred and fifty Pounds a Year, for the Year of the Assessment of his Profits or Gains, shall be entitled to be relieved from so much of the said Duties assessed upon or paid by him as shall exceed the Rate of Sevenpence for every Twenty Shillings of his Profits or Gains, and such Relief shall be given in the Manner provided or directed in the like Cases by the said Act of the Sixteenth and Seventeenth Years of Her Majesty, and the Act of the Fifth and Sixth Years of Her Majesty, Chapter Thirty-five, therein mentioned.

Repayment not to be granted unless claimed within Three Years.

X. No Claim for Repayment of Duty under this Act, or any former Act relating to the Income Tax, shall be allowed unless it shall be made within Three Years next after the End of the Year of Assessment to which the Claim shall relate.

Relief in respect of Life Insurances, &c. continued.

XI. The Clauses and Provisions contained in the following Acts, that is to say, the Act of the Sixteenth and Seventeenth Years of Her Majesty, Chapter Thirty-four, Section Fifty-four, another Act of the same Years, Chapter Ninety-one, an Act of the Eighteenth and Nineteenth Years of Her Majesty, Chapter Thirty-five, for granting Relief to Persons who have made such Insurances or contracted for such Annuities as in the said Acts mentioned, shall be continued in force and be applied for the granting of the like Relief in regard to the Duties imposed by this Act.

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any of the said Instruments, Matters, and Things shall be payable in respect of such of them as shall have been or shall be made, signed, or dated at any Time before the passing of this Act; save and except that the Stamp Duties on Foreign Bills of Exchange by this Act granted shall be payable on all such Bills as shall, after the passing of this Act, be first negotiated, or, if not negotiated, paid in the United Kingdom.

New Duties as set forth in Schedule granted.

II. There shall be granted, raised, levied, and paid in and throughout the United Kingdom of *Great Britain* and *Ireland*, to and to the Use of Her Majesty, Her Heirs and Successors, for and in respect of the several Instruments, Matters, and Things described or mentioned in the said Schedule, or for or in respect of the Vellum, Parchment, or Paper upon which any of them respectively shall be written, the several Stamp Duties or Sums of Money set down in Figures against the same respectively, or otherwise specified and set forth in the said Schedule; which said Schedule, and the several Provisions, Regulations, and Directions therein contained, with respect to the said Duties, and the Instruments, Matters, and Things charged therewith, shall be deemed and taken to be Part of this Act, and shall be applied and put in execution accordingly.

Provisions of former Acts to apply.

III. All the Powers, Provisions, Clauses, Regulations, Directions, Allowances, and Exemptions, Fines, Forfeitures, Pains, and Penalties, contained in or imposed by any Act or Acts, or any Schedule thereto, relating to any Duties of the same Kind or Description, heretofore payable in the United Kingdom, and in force at the Time of the passing of this Act, shall respectively be of full Force and Effect with respect to the Duties by this Act granted, and to the Vellum, Parchment, Paper, Instruments, Matters, and Things charged and chargeable therewith, and to the Persons liable to the Payment of the said Duties, so far as the same are or shall be applicable, in all Cases not hereby expressly provided for, and shall be observed, applied, allowed, enforced, and put in execution for and in the raising, levying, collecting, and securing of the said Duties hereby granted, and otherwise in relation thereto, so far as the same shall not be superseded by and shall be consistent with the express Provisions of this Act, as fully and effectually, to all Intents and Purposes, as if the same had been herein repeated and specially enacted, *mutatis mutandis*, with reference to the Duties by this Act granted.

Personal Estate appointed by Will under

IV. The Stamp Duties payable by Law upon Probates of Wills and Letters of Administration, with a Will annexed, in *England* and *Ireland*, and upon Inventories in *Scotland*, shall be levied and

and paid in respect of all the Personal or Moveable Estate and Effects which any Person, hereafter dying, shall have disposed of, by Will, under any Authority enabling such Person to dispose of the same as he or she shall think fit; and for the Purpose of this Act such Personal or Moveable Estate and Effects shall be deemed to be the Personal or Moveable Estate and Effects of the Person so dying in respect of which the Probate of the Will or the Letters of Administration with the Will annexed of such Person are or is granted, or the Inventory is or is required to be exhibited and recorded, as the Case may be; and such Estate and Effects, and the Value thereof, shall accordingly be included in the Affidavit required by Law to be made on applying for Probate or Letters of Administration, in order to the full and proper Stamp Duty being paid.

General Powers to be chargeable with Probate and Inventory Duties.

V. The said last-mentioned Duties shall be a Charge or Burden upon the Property in respect of which the same are so payable, and shall be paid thereout by the Trustees or Owners thereof to the Person for the Time being lawfully having or taking the Burden of the Execution of the Will or Testamentary Instrument, or the Administration or Management of the Personal or Moveable Estate and Effects of the Deceased, for the Benefit of the Persons entitled to the Personal or Moveable Estate and Effects of the Deceased.

Probate and Inventory Duties in respect thereof to be a Charge on the Property.

VI. Money secured on Heritable Property in *Scotland*, and Money secured by *cotch* Bonds in favour of Heirs and Assignees, excluding Executors, shall, for the Purposes of this Act, be held and interpreted to be Moveable Property, and shall be included in any Inventory to be exhibited and recorded in any Commissary Court in *Scotland* of the Estate and Effects of any Person deceased entitled thereto, and in *England* and *Ireland* respectively shall be deemed to be Estate and Effects for or in respect whereof any Probate of Will or Letters of Administration shall be granted; and every such Inventory, Probate, and Letters of Administration shall be chargeable with Stamp Duty in respect of such Moveable Property; and such Property, and the Value thereof, shall be included in any such Affidavit as aforesaid made on applying for Probate or Letters of Administration in respect thereof in *England* or *Ireland*.

Money secured on Heritable Property and by Heritable Bonds in Scotland to be chargeable with Probate and Inventory Duties.

VII. Whereas it is considered that certain Testamentary Dispositions in *Scotland* are chargeable with Stamp Duty, and it is expedient that the same should be exempted: Be it enacted, That no Will, Testament, Testamentary Instrument, or Disposition *mortis causâ*, shall be chargeable with any Stamp Duty.

Testamentary Dispositions in Scotland not to be chargeable with Stamp Duty.

VIII. The

Stamp Duties.

Certain Duties in the Schedule to be denoted either by impressed or adhesive Stamps.

VIII. The Duties by this Act granted of One Penny and Threepence respectively specified in the said Schedule, and also of Sixpence, therein specified, under the Head of Cost Book Mines, may be denoted either by a Stamp impressed upon the Paper, or by an adhesive Stamp affixed thereto; and the Commissioners of Inland Revenue shall provide Stamps of both Descriptions for the Purpose of denoting the said Duties; and the Provisions and Regulations relating to adhesive Stamps contained in the next succeeding Section of this Act shall apply to all Cases where the Paper upon which the Instrument, Document, or Writing charged with the Duty shall not, at the Time of its being written, made, or signed, have thereon the proper impressed Stamp for denoting the said Duty.

The Persons making the Instruments to affix adhesive Stamps, and cancel same.

IX. The Person who shall make, sign, or issue any Instrument, Document, or Writing in the Schedule to this Act mentioned, and chargeable with any of the Duties of One Penny and Threepence, shall, before he shall deliver the same out of his Hands, Custody, or Power, affix to it the proper adhesive Stamp denoting the Duty chargeable thereon or in respect of it, and shall effectually cancel and obliterate the Stamp, by writing upon it his Name, or the Name of his Firm or Principal, or the Initials thereof respectively, and the Date of the Day and Year on which he shall so write the same, and so and in such Manner as clearly and distinctly to indicate that the said Stamp has already been used, and so that it cannot, without Fraud, be again made use of; and if any Person who ought so to affix any such Stamp, and to cancel and obliterate the same, shall refuse or neglect so to do, or if any Person shall receive or take by way of Security or Indemnity any of the said Instruments, Documents, or Writings, or shall deliver out or authorize the Delivery out of any Goods, Wares, or Merchandise to which the same relates, the said Instrument, Document, or Writing not having a proper adhesive Stamp affixed thereto, and cancelled and obliterated as hereby required, every such Person shall for every such Offence forfeit the Sum of Twenty Pounds; and no Charge for Brokerage, Commission, Agency, or otherwise, made or to be made by any Broker, Agent, or other Person in or about the Sale or Purchase mentioned or referred to in any such Instrument, Document, or Writing made by him, shall be lawful, unless such Instrument, Document, or Writing shall be duly stamped as by this Act is required: Provided that no Person shall be subject or liable to the said Penalty for delivering any Goods, Wares, or Merchandise, under the Authority of any unstamped Order, in any Case where the Value of such Goods, Wares, and Merchandise shall therein be stated by the Person making, signing, or issuing the same to be under the Value of Forty Shillings.

In default, Penalty 20*l.*

No Charge for Brokerage, &c. to be lawful unless Instrument, &c. shall be duly stamped.

X. If

Stamp Duties.

X. If any Person who shall make, sign, or issue any Order for, or any Writing or Document authorizing the Delivery of any Goods, Wares, or Merchandise by this Act charged with the Stamp Duty of One Penny, shall knowingly and wilfully state or permit to be stated therein that the said Goods, Wares, or Merchandise are or is under the Value of Forty Shillings, he shall, unless the said Order, Writing, or Document shall, at the Time of its being issued, be stamped to denote the said Duty, forfeit the Sum of Twenty Pounds.

Penalty for fraudulently stating Goods to be under the Value of 40s.

XI. The Person who shall write or sign any Note, Instrument, or Writing requesting or authorizing the Purser or other Officer of any Mining Company conducted on the Cost Book System to enter or register the Transfer of any Share or Shares or Part of any Share in any Mine, or shall give any Notice in Writing to such Purser or other Officer of any such Transfer, in whatever Form such Notice shall be, shall, in like Manner as herein-before provided, affix thereto the proper adhesive Stamp to denote the Duty by this Act charged thereon, and cancel and obliterate the same; and if he shall refuse or neglect so to do, or if the Purser or other Officer to whom such Request, Authority, or Notice shall be addressed, delivered, sent, or given shall enter or register the Transfer of any Share mentioned or referred to in such Notice, or shall comply with or in any way give effect to such Notice, the same not being stamped as by this Act is required, every such Person so offending shall forfeit the Sum of Twenty Pounds.

The Person requesting the Entry of Transfer of any Share to affix and cancel an adhesive Stamp.

In default, Penalty 20*l.*

XII. Whenever any Bill of Exchange, Draft, or Order having thereon an adhesive Stamp shall be presented for Payment, the Person to whom the same shall be presented shall, upon paying the same, write or impress or cause to be written or impressed upon every Stamp affixed to the Bill the Word "paid," to the end that the Stamp may be more effectually cancelled, and made incapable of being used again; and in default of so doing he shall forfeit the Penalty of Twenty Pounds.

The Payers of Foreign Bills to cancel Stamps.

In default, Penalty 20*l.*

XIII. The Duties by this Act granted upon or in respect of Bills of Exchange, Drafts, or Orders, drawn out of the United Kingdom, shall be denoted by adhesive Stamps, in like Manner as the Duties now payable on Bills of Exchange drawn out of the United Kingdom; and all the Clauses, Provisions, Directions, Regulations, Penalties, and Forfeitures contained in the Act passed in the Seventeenth and Eighteenth Years of Her Majesty's Reign, Chapter Eighty-three, relating to adhesive Stamps on Bills of Exchange drawn out of the United Kingdom, as well as in this Act, so far as the same are applicable, shall be applied and put in force in respect of

The Stamps on Foreign Bills to be adhesive.

The Provisions of 17 & 18 Vict. c. 83. to be applied.

of the Stamp Duties on Bills of Exchange by this Act granted, as fully and effectually as if the same were herein repeated and re-enacted.

Penalty on committing Frauds in relation to adhesive Stamps.

XIV. If any Person shall fraudulently remove or cause to be removed, or assist in removing, from any Instrument, Document, or Writing of any kind, any adhesive Stamp, or shall affix any Stamp which shall have been so removed to any other Instrument, Document, or Writing chargeable with Stamp Duty, or to any Paper, with Intent that such Stamp might be used again; or if any Person shall sell, or offer for Sale, or utter any Stamp, or shall utter any Instrument, Document, or Writing with any Stamp thereon which shall have been so as aforesaid removed, knowing the same to have been removed, or shall practise or be concerned in any fraudulent Act, Contrivance, or Device not specially provided for, with Intent to defraud Her Majesty of the Duty, he shall forfeit, over and above any other Penalty to which he may be liable, the Sum of Fifty Pounds.

Penalty on stamping an Agreement under the Value of 20*l.* to be 20*s.* only.

XV. Where an Instrument or Writing chargeable under this Act with the Duty of Sixpence, as an Agreement, shall be unstamped, and it shall appear thereby that the Matter thereof is under the Value of Twenty Pounds, the Penalty payable to Her Majesty, Her Heirs or Successors, on stamping the same, shall be Twenty Shillings, over and above the said Duty, in lieu of the Penalty now by Law payable on stamping an Agreement under Hand only.

SCHE-

SCHEDULE referred to,

CONTAINING

THE DUTIES IMPOSED BY THIS ACT.

SCHEDULE.	Duty.
AGREEMENT for a Lease or Tack of any Lands, Tenements, Hereditaments, or Heritable Subjects for any Term not exceeding Seven Years; and Agreement, Minute, or Memorandum of Agreement, containing the Terms and Conditions on which any Lands, Tenements, Hereditaments, or Heritable Subjects are let, held, or occupied for any such Term as aforesaid.	The same Duty as on a Lease or Tack for the Term, Rent, Consideration, and Conditions mentioned in such Agreement, Minute, or Memorandum.
Provided that any Lease or Tack of the same Lands, Tenements, Hereditaments, or Heritable Subjects afterwards made, in pursuance of and conformably to any such Agreement, Minute, or Memorandum, which shall have actually paid the Duty payable on such Lease or Tack as aforesaid, shall not be chargeable with any higher Stamp Duty than Two Shillings and Sixpence, exclusive of progressive Duty, notwithstanding any Variation in the Terms or Conditions only, not affecting the Stamp Duty; and in any such Case the Lease or Tack shall, if required for the sake of Evidence, be stamped with a particular Stamp for denoting or testifying the Payment of the full and proper Stamp Duty on the Agreement, Minute, or Memorandum, on the same and the Agreement, Minute, or Memorandum being produced, and appearing to be executed or signed, and duly stamped in all other respects.	
AGREEMENT, or any Minute or Memorandum of an Agreement, made in England or Ireland under Hand only, or made in Scotland without any Clause of Registration, and not otherwise charged nor expressly exempted from all Stamp Duty, where the Matter thereof shall be of the Value of Five Pounds or upwards, whether the same shall be only Evidence of a Contract, or obligatory upon the Parties from its being a written Instrument; together with every Schedule, Receipt, or other Matter put or indorsed thereon or annexed thereto - - - - - -	£ s. d. 0 0 6
And where the same shall contain 2,160 Words or upwards, then for every entire Quantity of 1,080 Words contained therein over and above the first 1,080 Words a further progressive Duty of - - - - - -	0 0 6
Provided always, that where divers Letters shall be offered in Evidence to prove any Agreement between the Parties who shall have written such Letters, it shall be sufficient if any of such Letters shall be stamped with a Duty of One Shilling, although the same shall in the whole contain any Quantity of Words exceeding 2,160.	

SCHEDULE.	Duty. £ s. d.
BILL OF EXCHANGE, Draft, or Order for the Payment of Money exceeding 4,000*l.*, now chargeable with the Stamp Duty of 2*l.* 5*s.*; For every 1,000*l.* or Part of 1,000*l.* of the Money thereby made payable - - - - - - -	0 10 0
BILL OF EXCHANGE (Foreign) drawn in a Set of Three or more for the Payment of Money exceeding 4,000*l.*, where every Bill of the Set is now chargeable with the Stamp Duty of Fifteen Shillings; Every Bill of the set, for every 1,000*l.* or Part of 1,000*l.* of the Money thereby made payable - - - - -	0 3 4
BILL OF EXCHANGE, DRAFT, or ORDER (Foreign) drawn or endorsed out of the United Kingdom for the Payment of Money on Demand - - - - - - - - - -	The same Duty as on an Inland Bill of Exchange for the Payment of Money otherwise than on Demand, according to the Amount thereby made payable.

All Bills, Drafts, or Orders for the Payment by any Banker or Person acting as a Banker of any Sum of Money, though not made payable to the Bearer or to Order, and whether delivered to the Payee or not; and all Writings or Documents entitling or intended to entitle any Person whatever to the Payment from or by any Banker or Person acting as a Banker of any Sum of Money, whether the Person to whom Payment is to be made shall be named or designated therein or not, or whether the same shall be delivered to him or not, shall respectively be deemed to be Bills, Drafts, or Orders for the Payment of Money chargeablewith Stamp Duty, as if the same had been made payable to Bearer or to Order.

Provided always, that any One Document or Writing, although directing the Payment of several Sums of Money to different Persons, shall be chargeable with Stamp Duty as One Order only.

Exemptions.

Any Draft or Order drawn by any Banker upon any other Banker, not payable to Bearer or to Order, and used solely for the Purpose of settling or clearing any Account between such Bankers.

Any Letter written by a Banker to any other Banker directing the Payment of any Sum of Money, the same not being payable to Bearer or to Order, and such Letter not being sent or delivered to the Person to whom Payment is to be made, or to any Person on his Behalf; and all Warrants or Orders for the Payment of any Annuity granted by the Commissioners for the Reduction of the National Debt, or for the Payment of any Dividend or Interest on any Share in the Government or Parliamentary Stocks or Funds, and all Drafts or Orders drawn by the Accountant-General of the Court of Chancery in England or Ireland, shall be exempt from all Stamp Duty.

SCHEDULE.	Duty.
	£ s. d.
COPY.—Certified Copy or Extract of or from any Register of Births, Baptisms, Marriages, Deaths, or Burials - - - - The said Duty to be paid by the Person requiring any such Copy or Extract.	0 0 1
Exemptions.	
Copies of Entries of Baptisms, Marriages, and Burials transmitted to the Registrar of the Diocese, in pursuance of the 52 *Geo.* 3. *c.* 146.	
Certified Copies of Registers sent by Superintending Registrars to the General Registrar, in pursuance of the 6 *&* 7 *W.* 4. *c.* 86.	
And Copies or Extracts made or given under or in pursuance of the 7 *Victoria, c.* 15. *to amend the Laws relating to Labour in Factories.*	
COST BOOK MINES.—Any Note, Instrument, or Writing requesting or authorizing the Purser or other Officer of any Mining Company conducted on the Cost Book System to enter or register any Transfer of any Share or Shares or Part of a Share in any Mine; or any Notice to such Purser or Officer of any such Transfer - - -	0 0 6
DECLARATION in lieu or in the Nature of an Affidavit, in any Case where, if the same were an Affidavit, it would be chargeable with any Stamp Duty - - - - - - - -	The same Duty as would be chargeable on such Affidavit.
DELIVERY ORDER.—Any Writing or Document commonly called a Delivery Order, or by whatever Name the same shall be designated, entitling or intended to entitle any Person therein named, or his Assigns, or the Holder thereof, to the Delivery of any Goods, Wares, or Merchandise of the Value of Forty Shillings or upwards, lying in any Dock or Port or in any Warehouse in which Goods are stored or deposited on Rent or Hire, or upon any Wharf, such Writing or Document being signed by or on behalf of the Owner of such Goods, Wares, or Merchandise, upon the Sale or Transfer of the Property therein - - - - - - - - -	0 0 1
DOCK WARRANT.—Any Warrant or Document commonly called a Dock Warrant, or any other Writing or Document, by whatever Name the same shall be designated, which shall evidence the Title of any Person therein named, or his Assigns, or the Holder thereof, to the Property in any Goods, Wares, or Merchandise lying in any Dock or Warehouse or upon any Wharf, such Writing or Document being signed or certified by or on behalf of the Company or Person in whose Custody such Goods, Wares, or Merchandise may be - -	0 0 3
Exemption.	
Any Writing or Document given by any Inland Carrier acknowledging the Receipt of Goods conveyed by such Carrier.	

SCHEDULE.	Duty. £	s.	d.
LETTER or POWER of ATTORNEY for the Sale, Transfer, or Acceptance of any of the Government or Parliamentary Stocks or Funds not exceeding in Value 20*l.*; or for the Receipt of any Sum of Money, or any Cheque, Note, or Draft for any Sum of Money, not exceeding 20*l.*; or Dividends or Interest of any such Stocks or Funds, or any other periodical Payments not exceeding the annual Sum of 10*l.* -	0	5	0

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ditaments comprised in such Mortgage (without Prejudice to the Security thereby created), or any other Hereditaments (if any) of the said Body Corporate, or the Borough Fund, or the Borough or other Rates legally applicable for the Payment or Discharge of the Money borrowed, or the Expenses which such Money may be borrowed to defray, or on all or any of the Securities aforesaid, as the said Commissioners may direct.

How Sinking Fund to be raised.

II. When any Money to be borrowed as aforesaid is directed to be repaid by means of a Sinking Fund, the Council of the Borough shall, out of the Rents and Profits of the Hereditaments, or out of the Borough Fund or Rates on which the Sums required for such Sinking Fund are charged under this Act, invest or cause to be invested such Sums, and at such Times and in such Government Annuities, as the said Commissioners may direct, and shall also from Time to Time invest or cause to be invested in like Manner all Dividends of such Annuities, so as to accumulate at Compound Interest, and all Annuities in which such Investments are made shall, in the Books of the Governor and Company of the Bank of *England* and of the Governor and Company of the Bank of *Ireland* respectively, be placed to the Account of the Body Corporate, and "In the Matter of the Municipal Corporation Mortgages, &c. Act, 1860," and the Dividends of such Annuities shall be paid to such Person or Persons as the said Council by Power of Attorney under the Corporate Seal of the Borough from Time to Time appoint, and shall be invested as herein directed; but the Annuities to be purchased shall not be sold or transferred without the Consent in Writing of the said Commissioners, addressed to the Chief Accountant of the Bank of *England* or of the Bank of *Ireland* (as the Case may require); and the Direction in Writing of the Council of the Borough by Power of Attorney under the Corporate Seal of the Borough, with such Consent in Writing of the said Commissioners, shall be sufficient Authority to the Governor and Company of the Bank of *England* or of the Bank of *Ireland* (as the Case may be) for permitting the Transfer of such Annuities or any Part thereof.

When Money paid into the Bank, under any Act of Parliament, for Purchase of Lands, &c. of a Municipal Corporation, is paid out, Treasury

III. Where any Purchase Money or Compensation has been paid into the Bank of *England* or *Ireland*, under any Act of Parliament, in respect of any Hereditaments, or any Interest therein, purchased or taken from any such Body Corporate, or in respect of any permanent Damage to any Land of any such Body Corporate, and the said Commissioners approve of the Payment of such Money or Compensation, or of any Money to arise from the Sale of any Government Securities in which the same may have been invested, to such Body Corporate, or their Treasurer, the said Commissioners may, as a Condition

dition of their Approval, require Provision to be made for raising in manner herein-before provided with respect to a Sinking Fund for Repayment of Money borrowed on Mortgage, and investing in Government Annuities a Sum equivalent to the Amount of Money so paid to such Body Corporate or their Treasurer; and the Provisions herein-before contained in the Case of a Sinking Fund, as to the Mode of investing, Payment of Dividends, and Transfer of Annuities, shall be applicable in the Case of Investments under this Provision; and the said Commissioners shall, when it appears to them that an Amount of Annuities equivalent to the Amount paid as aforesaid has been raised by Investment under this Enactment, direct that the Accumulation shall cease; and such Annuities and the Dividends thereof shall thenceforth be applicable as the same would have been if such Annuities had arisen from Investment under the Act of Parliament under which such Purchase Money or Compensation as aforesaid became payable: Provided always, that this Section shall not apply to any Money payable to a Body Corporate, when Provision for the Application of such Money, or of the Price or Compensation from which such Money has been derived, is contained in any Local Act of Parliament relating thereto, and the Money is to be paid to such Body Corporate, to be applied in conformity with such Provision.

may require Provision to be made for replacing the Amount.

Not to apply to Money, when Provision for its Application is contained in any Local Act.

IV. Where the said Commissioners approve of the Sale of any Hereditaments, or any Interest therein, of any such Body Corporate, their Approval may be subject to such Conditions for and in relation to the Investment of the Proceeds of such Sale for the Benefit of such Body Corporate as the said Commissioners may see fit, and where they direct the same to be invested in Government Annuities, the Provisions herein-before contained as to the Mode of investing, Payment of Dividends, and Transfer of such Annuities, shall be applicable, but not so as to render necessary any Accumulation; or if the said Commissioners see fit to consent to the Application of the Proceeds of such Sale or any Part thereof for the Benefit of the Inhabitants of the Borough, they may as a Condition of their Consent require the like Provision to be made as they are authorized to require in the Case of their Approval of Payment to any such Body Corporate or their Treasurer as herein-before mentioned; and this Enactment shall apply as well to any Money received for Equality of Exchange by any such Body Corporate as to the Proceeds of the Sale of any Hereditaments or Interest in Hereditaments of any such Body Corporate.

Treasury may, where they authorize a Sale of Land of any Municipal Corporation, direct Investment of Proceeds.

V. The said Commissioners may at any Time consent to the Application of any Annuities arising from Investments under either of

Power to apply certain Investments for the Bene-

fit of the Borough:

of the Two last preceding Sections, or of the Moneys to arise from the Sale thereof or any Part thereof respectively, for the Benefit of the Inhabitants of the Borough, and as a Condition of their Consent may require the like Provision to be made as they are authorized to require in the Case of their Approval of Payment to any such Body Corporate or their Treasurer as herein-before mentioned, and so from Time to Time, as often as the said Commissioners think fit, and the Provisions of this Act shall be applicable accordingly: Provided always, that nothing in this Act shall be deemed to make it imperative on the said Commissioners to require such Provision as aforesaid as a Condition of their Assent to the Application of such Annuities or Monies, or to the Payment of any Purchase Money or Compensation in respect of Hereditaments of a Body Corporate (or Money to arise from the Sale of Investments thereof), to such Body Corporate or its Treasurer, where, by reason of the Application of such Annuities or Monies to Improvement of the Property of such Body Corporate, or for the permanent Benefit of the Borough or otherwise, under the special Circumstances of the Case, the Commissioners in their Discretion think fit to dispense with such Provision.

Proviso, setting aside, in certain Cases, Direction as to Investment of Proceeds.

Provision for Cases of Mortgage, &c. before the passing of this Act.

VI. Where before the passing of this Act the Commissioners of Her Majesty's Treasury have approved of any Mortgage of the Hereditaments of the Body Corporate of any Borough, and on such Approval have required a Sinking Fund to be formed from Time to Time in the Name of Trustees, or have approved of the Payment to any such Body Corporate or their Treasurer of any such Purchase Money or Compensation as aforesaid, or of any Money arising from the Sale of any Government Securities in which the same may have been invested, and have on such Approval required Provision to be made for raising, by means of Investments in the Names of Trustees, an Amount equivalent to the Amount paid with such Approval to such Body Corporate or their Treasurer, or have approved of the Sale or Alienation of any Hereditaments or Interest therein of any such Body Corporate, and have required on such Approval the Investment of the Proceeds of such Sale in the Names of Trustees, the said Commissioners may require any Securities in which any such Investments may have been already made to be transferred into the Name of such Body, and "In the Matter of the Municipal Corporation Mortgages, &c. Act, 1860," or may require any Money applicable for the Purposes of such Sinking Fund to be invested in the Purchase of Government Annuities in the Name of such Body, and "In the Matter of the Municipal Corporation Mortgages, &c. Act, 1860;" and the Order in Writing of the said Commissioners for that Purpose shall be a sufficient Discharge to such Trustees from all Claims in respect of the Transfer

of

of such Securities in pursuance of such Order, and the said Commissioners may in the respective Cases aforesaid give such Directions as they might give in the analogous Cases herein-before provided for, arising after the passing of this Act, or as near thereto as the Circumstances of the Case may require, and the Provisions of this Act shall be applicable accordingly.

Penalty for Misappropriation of Moneys, as stated in 20 & 21 Vict. c. 54.

VII. If any Person authorized to receive the Moneys to arise from the Sale of any Annuities or Securities purchased or transferred under this Act, or any Dividends, or any other such Money as aforesaid, appropriate the same otherwise than as directed by this Act, or by the said Commissioners in pursuance thereof, he shall be guilty of a Misdemeanor, and shall be subject in respect thereof to the Provisions of the Act of the Session holden in the Twentieth and Twenty-first Years of Her Majesty, Chapter Fifty-four, applicable to any Person guilty of a Misdemeanor under that Act.

Councils of Cities or Boroughs may acquire Lands, &c. with the Consent of the Treasury.

VIII. In every Case in which the Council of any City or Borough in *England*, the Body Corporate of which has not Power to purchase or acquire Land and Hereditaments, or to hold Land in Mortmain, deem it expedient to purchase or otherwise acquire, for public Purposes, any Hereditaments, such Council shall represent the Circumstances of the Case to the Commissioners of Her Majesty's Treasury, and it shall be lawful for such Council, with the Approbation of the said Commissioners, to purchase or acquire any Hereditaments in such Manner and on such Terms and Conditions as may have been approved of by the said Commissioners, and such Hereditaments may be conveyed to and holden by the Body Corporate of such Borough accordingly; and in any such Case as aforesaid, and also in any other Case where the said Commissioners are satisfied, upon Representation of the Circumstances, that all or any Part of the Purchase Money of any Hereditaments proposed to be purchased for public Purposes by the Council of a Borough should be raised by Mortgage or Charge as herein-after mentioned, the Council may, with the Approbation of the Commissioners, charge and make liable, by way of Mortgage or otherwise, the Hereditaments so to be purchased, or any other Hereditaments of the Body Corporate, or the Borough Fund, or Borough Rates of the Borough, or all or any of the Securities aforesaid, with the Payment of any Money necessary for effecting such Purchase, and Interest; and the Provisions herein-before contained with reference to the Approval of Mortgages shall be applicable in the Case as well of Charge on the Borough Rates or Borough Fund as of Mortgages under this Provision; provided that Notice of the Intention of the Council to make such Application shall be given, and a Copy of the Memorial intended

intended to be sent be open to Inspection as by Law required in the Case of a like Application in relation to a Disposition of Hereditaments.

Answer of the Treasury to Applications of the Council to be published, &c.

IX. Where any Application by the Council of any Borough is made for the Approbation of the said Commissioners to any proposed Disposition, Purchase, or Acquisition of any Property, and the said Commissioners either altogether refuse the Application or grant their Approbation conditionally, or otherwise qualify the same, Notice of the Correspondence between the said Commissioners and the Council shall forthwith and for One Month be fixed on the outer Door of the Town Hall, or in some public and conspicuous Place within the Borough, and a Copy of such Correspondence shall during the same Period be kept in the Town Clerk's Office, and be freely open to the like Inspection as by Law provided with respect to the Copy of the Memorial containing such Application required to be kept in such Office.

Corporations may submit Schemes to Commissioners of Treasury for Payment of Borough Mortgage Debt.

X. Whereas in certain Boroughs Mortgage Debts have been heretofore incurred, for the Payment and Discharge of which no adequate legal Provision now exists: It shall be lawful for the Corporation of any such Borough to submit to the Commissioners of Her Majesty's Treasury any Scheme for the Discharge of any such Debts, by Instalments, or by a Sinking Fund, or by both, extending over any Term of Years; and if the said Commissioners approve of such Scheme, the Sums required for providing for the Discharge of the Debt to which such Scheme relates, in the Manner proposed therein, shall, by virtue of this Act, become charged upon all or any of the Hereditaments of the Body Corporate, or the Borough Fund, or the Borough Rates, or any other Rates which would have been applicable to or towards the Discharge of such Debts, or on all or any of the Securities aforesaid, as the said Commissioners may approve and direct; and the Provisions herein-before contained applicable where Provision is made for Repayment of Money borrowed on Mortgage by a Sinking Fund and Instalments, or both, except the Limitation to a Period of Thirty Years, shall be applicable to the Provision for the Discharge of a Mortgage Debt under this Provision; provided that Notice of the Intention of the Council to make Application to the said Commissioners for the Approval of any such Scheme shall be given, and a Copy of the Memorial intended to be sent shall be open to Inspection, in like Manner as in Cases of Application to the Commissioners for their Approval of a Disposition of Hereditaments.

XI. And

XI. And whereas in certain Boroughs sundry Debts have from Time to Time been incurred under the Authority of Acts of Parliament, with different Periods assigned for the Discharge of the same: Be it enacted, That it shall be lawful for the Corporations of such Boroughs respectively, with the Consent of the Commissioners of Her Majesty's Treasury, and with the Consent in Writing of the Persons or Bodies Corporate to whom such Debts respectively may be owing, previously obtained, to consolidate all such sundry Debts into One, and thereon to make Provision for the Discharge of such consolidated Debt, by annual Instalments or by a Sinking Fund, or by both, extending over a Period not exceeding Thirty Years, and to make such annual Instalments or Payments a legal Charge upon the Borough Fund or the Borough Rates, or any other Rates which would have been applicable to or towards the Discharge of such Debts, or on all or any of the Securities aforesaid, as the said Commissioners may approve and direct; provided that Notice of the Intention of the Council to make Application to the said Commissioners for the Purpose aforesaid shall be given, and a Copy of the Memorial intended to be sent shall be open to Inspection, in like Manner as in Cases of Application to the Commissioners for their Approval of a Disposition of Hereditaments.

As to Payment of Debts due under Authority of Acts of Parliament.

XII. Where in any Borough subject to the Provisions of the Act passed in the Session holden in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, Chapter Seventy-six, and intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, a Surplus is standing to the Credit of the Borough Fund arising from the Rents and Profits of the Property of the Corporation, and not from a Borough Rate, and such Borough is a District within the Meaning of the "Public Health Act (1848)," the Corporation, acting as the Local Board of Health of such Borough, may, with the Consent of such Corporation, apply such Surplus in Payment of any Expenses that have been previously to the passing of this Act or may hereafter be incurred by them acting as the Local Board of Health of such Borough in the Improvement of the Borough or of any Part thereof, by Drainage, Enlargement of Streets, or otherwise, in pursuance of the "Public Health Act (1848)," and the "Local Government Act (1858)," or of One of such Acts.

Power of Local Boards in Boroughs.

XIII. Provided always, That nothing in this Act shall repeal, abridge, or affect any Power or Authority of any Body Corporate, or the Council of any Borough, under any Local Act of Parliament relating to such Body Corporate or Borough.

Not to affect Powers under Local Acts.

XIV. This

Act to be construed with 5 & 6 W. 4. c. 76. and 3 & 4 Vict. c. 108. (I.)

XIV. This Act shall, as regards *England*, be construed with the Act of the Session holden in the Fifth and Sixth Years of King *William* the Fourth, Chapter Seventy-six, as One Act; and shall, as regards *Ireland*, be construed with the Act of the Session holden in the Third and Fourth Years of Her Majesty, Chapter One hundred and eight.

Short Title.

XV. This Act may be cited as "The Municipal Corporation Mortgages, &c. Act, 1860."

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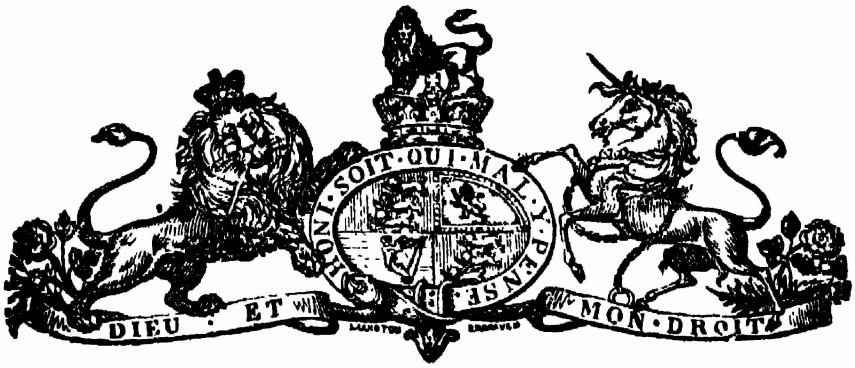

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CAP. XVII.

An Act to authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for *England* and *Wales*.

[15th *May* 1860.]

WHEREAS the Inclosure Commissioners for *England* and *Wales* have, in pursuance of "The Acts for the Inclosure, "Exchange, and Improvement of Land," issued their Provisional Orders for and concerning the proposed Inclosures mentioned in the Schedule to this Act, and have in their Fifteenth Annual General Report certified their Opinion that such Inclosures would be expedient; but the same cannot be proceeded with without the previous Authority of Parliament: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. That the said several proposed Inclosures mentioned in the Schedule to this Act be proceeded with. **Inclosures in Schedule may be proceeded with.**

II. In citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use either the Expression "The "Annual Inclosure Act, 1860," or "The Acts for the Inclosure, "Exchange, and Improvement of Land." **Short Title.**

SCHEDULE to which this Act refers.

Inclosure.	County.	Date of Provisional Order.
Ashley - - -	Southampton - -	2d June 1859.
Horsted Keynes Broadhurst -	Sussex - - -	18th May 1859.
Easington - - -	York - - -	7th July 1859.
Stokerow - - -	Oxford - - -	21st July 1859.
Rhos-y-Gad Common - -	Anglesey - -	28th July 1859.
Highside Pasture - -	York - - -	17th November 1859.
Llanvihangel-y-Croyddin and Gwnws - -	Cardigan - -	15th December 1859.
Ven Ottery - - -	Devon - - -	24th November 1859.
Boughrood and Llanstephan -	Radnor - -	22d December 1859.
Battle Common - -	Brecon - - -	22d December 1859.
Hurstley Common - -	Hereford - -	24th November 1859.
Kennington and Boughton Aluph	Kent - -	12th January 1860.
Thaxted - - -	Essex - - -	22d December 1859.
Broullys Commonable Fields -	Brecon - -	22d December 1859.

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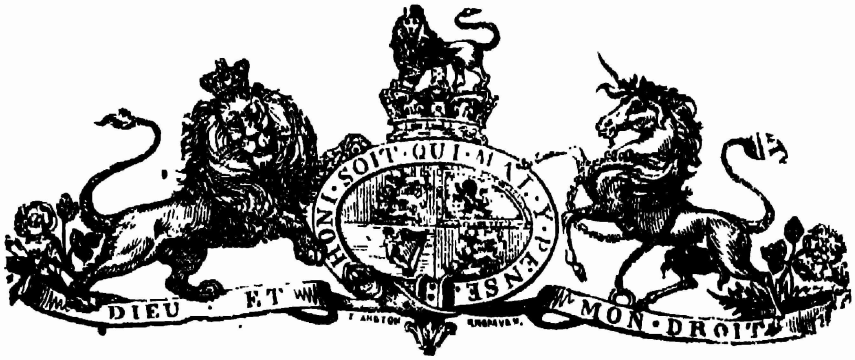

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CAP. XVIII.

An Act to amend the Acts relating to Marriages in *England* and *Ireland*, by extending certain Provisions thereof to Persons professing with the Society of Friends called Quakers.

[15th *May* 1860.]

WHEREAS by an Act passed in the Session holden in the Sixth and Seventh Years of the Reign of King *William* the Fourth, Chapter Eighty-five, intituled *An Act for Marriages in* England, it was enacted, that the Society of Friends, commonly called Quakers, might continue to contract and solemnize Marriage according to the Usages of the said Society, and every such Marriage was thereby declared and confirmed good in Law, provided that the Parties to such Marriage were both of the said Society; provided also, that Notice to the Registrar should have been given, and the Registrar's Certificate should have issued in manner therein-after provided: And whereas by an Act passed in the Session holden in the Seventh and Eighth Years of the Reign of Her present Majesty, Chapter Eighty-one, intituled *An Act for Marriages in* Ireland, *and for registering such Marriages*, it was enacted, that the Society of Friends, commonly

6 & 7 W. 4. c. 85.

7 & 8 Vict. c. 81.

commonly called Quakers, might continue to contract and solemnize Marriage according to the Usages of the said Society, and that every such Marriage should be deemed good in Law, provided that the Parties to such Marriage were both of the said Society; provided also, that Notice to the Registrar should have been given and the Registrar's Certificate should have issued in manner thereinafter provided: And whereas it is expedient to extend and amend the said recited Provisions in manner herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Marriages of Quakers may be solemnized in Cases where One only or where neither of the Parties shall be a Member of the Society of Friends, under Provisions herein named.

I. From and after the Thirtieth Day of *June* One thousand eight hundred and sixty Marriages may be contracted and solemnized according to the Usages of the said Society of Friends, commonly called Quakers, in *England* and *Ireland* respectively, not only in the Case provided for by the said recited Provisions, but also in Cases where One only or where neither of the Parties to the Marriage shall be a Member of the said Society: Provided always, that the Party or Parties who shall not be a Member or Members of the said Society shall profess with or be of the Persuasion of the said Society; provided also, that no Person who is not a Member of the said Society shall be married according to the Usages thereof unless he or she shall be authorized thereto under or in pursuance of some General Rule or Rules of the said Society in *England* and *Ireland* respectively; and a Copy of such General Rule or Rules purporting to be signed by the Recording Clerk for the Time being of the said Society in *London* and in *Dublin* respectively shall be admitted as Evidence of such General Rule or Rules in all Proceedings touching the Validity of any such Marriage.

Enactments now in force to extend to every Marriage contracted under the Authority of this Act.

II. All the Enactments now in force, whether contained in the said recited Acts or in any other Act or Acts of Parliament, and relating to Marriages contracted and solemnized according to the Usages of the said Society in *England* and *Ireland* respectively, and to the Registration thereof, so far as the same are not inconsistent with this Act, shall extend and be applicable to every Marriage contracted and solemnized by the Authority of this Act in *England* and *Ireland* respectively, as fully and effectually as if the same Enactments were repeated herein.

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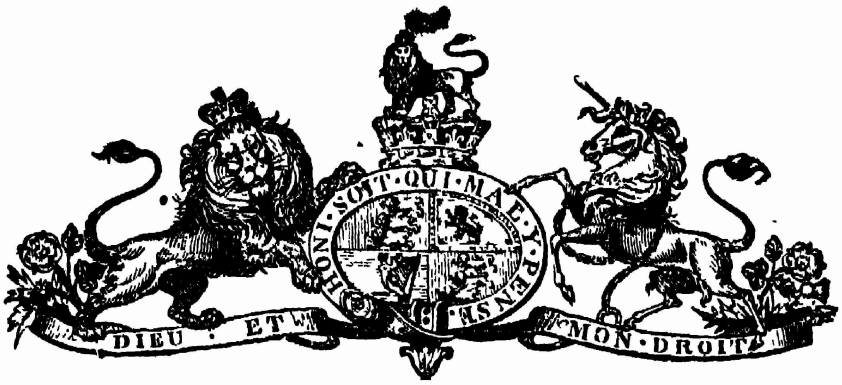

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CAP. XIX.

An Act to extend the Act to facilitate the Improvement of Landed Property in *Ireland*, and the Acts amending the same, to the Erection of Dwellings for the Labouring Classes in *Ireland*.

[15th *May* 1860.]

WHEREAS an Act was passed in the Tenth Year of Her Majesty, intituled *An Act to facilitate the Improvement of Landed Property in* Ireland: And whereas an Act of the Twelfth and Thirteenth Years of Her Majesty, Chapter Twenty-three, was passed "to authorize further Advances of Money for the "Improvement of Landed Property, and the Extension and Pro-"motion of Drainage and other Works of public Utility, in *Ireland:*" And whereas another Act of the Thirteenth and Fourteenth Years of Her Majesty, Chapter Thirty-one, was passed "to authorize further "Advances of Money for Drainage and the Improvement of Landed "Property in the United Kingdom, and to amend the Acts relating "to such Advances:" And whereas, under the Eighth Section of the said last-recited Act, Loans were authorized to be made for the Erection of Farm Buildings in *Ireland*, and it is expedient to authorize Loans to be made in like Manner for the Erection of Dwellings for the Labouring Classes in *Ireland:* Be it therefore enacted by the Queen's

10 & 11 Vict. c. 32.

12 & 13 Vict. c. 23.

13 & 14 Vict. c. 31.

 most

most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Loans may be made out of Money granted for the Improvement of Landed Property in Ireland for the Erection of Dwellings for the Labouring Classes in Cases herein stated.

I. That out of any Money authorized to be advanced for facilitating the Improvement of Landed Property in *Ireland*, under the said recited Act of the Tenth Year of Her Majesty, or under the said secondly-recited Act, or under such Part of the thirdly-recited Act as relates to the Improvement of Landed Property in *Ireland*, Loans may be made for the Erection of Dwellings for Labourers and their Families in any Case in which it shall appear to the Commissioners for Public Works in *Ireland* that more or improved Accommodation for such Labourers is required; and the Commissioners, as the Condition of such Loan, shall require existing Dwellings to be removed, if they shall consider such Removal expedient, and shall not sanction the Erection of any greater Number of Dwellings by means of such Loan than they shall consider sufficient for the Accommodation of the Labourers required for the proper Cultivation of the Estate on which any such Loan is to be advanced, or of the Portion of such Estate on which such Dwellings are to be erected; and all the Provisions of the said recited Act of the Tenth Year of Her Majesty, and the said secondly and thirdly recited Acts, so far as the same are applicable, shall be construed in like Manner as if the Erection of Dwellings, as aforesaid, for the Labouring Classes had been enumerated in such recited Act of the Tenth of Her Majesty among the Purposes for which Loans might be made under that Act.

Term of Act.

II. This Act shall continue in force until the Expiration of Ten Years from the passing thereof, and thenceforth until the End of the then next Session of Parliament.

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CAP. XX.

An Act for raising the Sum of Thirteen million two hundred and thirty thousand Pounds by Exchequer Bills for the Service of the Year One thousand eight hundred and sixty.

[15th *May* 1860.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, towards raising the necessary Supplies which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to give and grant unto Your Majesty the Sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. It shall be lawful for the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, at any Time or Times, to cause any Number of Exchequer Bills to be made out at the Receipt of the Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole the Sum of Thirteen

Power to Treasury to raise 13,230,000*l.* by Exchequer Bills in like Manner

as is prescribed by 48 G. 3. c. 1. 4 & 5 W. 4. c. 15. 5 & 6 Vict. c. 66.

Thirteen million two hundred and thirty thousand Pounds, in like Manner as is prescribed in an Act passed in the Forty-eighth Year of the Reign of King *George* the Third, Chapter One, and in another Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, Chapter Fifteen, and in another Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, Chapter Sixty-six.

The Clauses, &c. in recited Acts extended to this Act.

II. All and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said Acts shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually to all Intents and Purposes as if particularly repeated and re-enacted in this Act.

The Treasury to issue and apply the Money raised.

III. It shall be lawful for the said Commissioners of Her Majesty's Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be made out in pursuance of this Act to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament.

Bills how to be charged and paid.

IV. The Principal Sum or Sums of Money to be contained in such Exchequer Bills shall be charged upon and shall be paid out of any Supplies to be hereafter granted by Parliament for that Purpose.

Interest on Bills.

V. The Exchequer Bills to be made out in pursuance of this Act shall bear Date on such Days subsequently to the passing of this Act as the Commissioners of Her Majesty's Treasury may direct, and shall bear an Interest not exceeding the Rate of Threepence Halfpenny *per Centum per Diem* in respect of the whole of the Monies respectively contained therein, payable out of any Aids or Supplies in the Bank of *England* standing to the Credit of the Exchequer.

Bills charged on Supplies to be current in Payment of Public Revenue after Twelve Calendar Months from their Dates.

VI. All the Exchequer Bills to be made out by virtue of this Act, or so many of them as shall from Time to Time remain undischarged and uncancelled, shall, after Twelve Calendar Months from their respective Dates, be taken and shall pass and be current to all the Receivers and Collectors in *Great Britain* of the Customs, Excise, or any Revenue, Supply, Aid, or Tax whatsoever already granted or payable, or which shall hereafter be granted or payable, to Her Majesty, Her Heirs and Successors, and also at the Bank of *England* to the Account of Her Majesty's Exchequer, from the said Receivers or Collectors, or from any other Person or Persons, Bodies Politic or Corporate

Corporate whatsoever, making any Payment there to Her Majesty, Her Heirs and Successors, upon any Account whatever.

VII. It shall be lawful for the Governor and Company of the Bank of *England* to advance or lend to Her Majesty, upon the Credit of the Exchequer Bills to be made out in pursuance of this Act, any Sum or Sums of Money not exceeding in the whole the Sum of Thirteen million two hundred and thirty thousand Pounds; anything in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, Chapter Twenty, or in any subsequent Act, to the contrary thereof in anywise notwithstanding.

Bank of England may advance 13,230,000*l.* on the Credit of Bills, notwithstanding 5 & 6 W. & M. c. 20.

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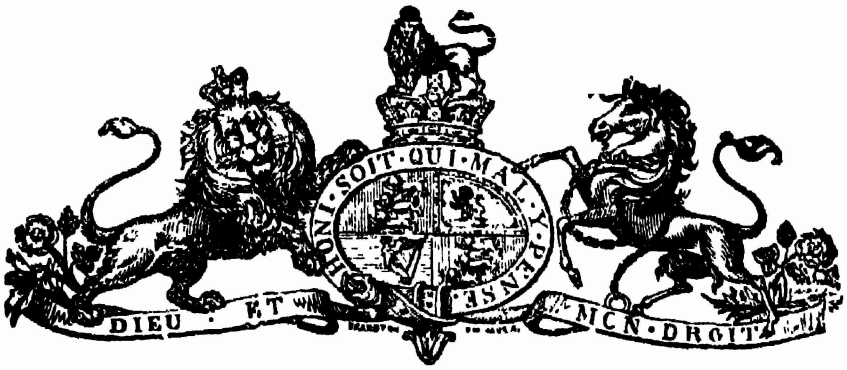

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describing Things pawned under 10*s*.

as aforesaid where the Sum lent shall be less than Ten Shillings, anything in the said Act contained to the contrary notwithstanding; and the said Sixth Section of the said Act shall be read and construed as if it contained no Enactment for the Delivery of any Note or Memorandum gratis.

Payment for Pawns of 10*s*. or upwards to remain as stated in Sect. 6. of recited Act.

II. Provided always, That for every such Note or Memorandum where the Sum lent shall be Ten Shillings or upwards, the respective Sum specified in such Behalf in the said Sixth Section shall and may be taken as heretofore.

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into *Great Britain* and *Ireland*, until the Thirty-first Day of *December* One thousand eight hundred and sixty inclusive; that is to say,

Wine of or from Foreign Countries:		£	s.	d.
——— Red * - - - - - -	the Gallon	0	3	0
——— White - - - - -	the Gallon	0	3	0
——— Lees of such Wine - - -	the Gallon	0	3	0

With an Allowance for Drawback on Exportation until the said Thirty-first Day of December One thousand eight hundred and sixty inclusive of Three Shillings per Gallon on such Wine exported or used as Ship's Stores, but no Drawback shall be granted on Lees of Wine.

On and after the 1st Day of January 1861—
And without any Allowance for Drawback.

Wine containing less than the following Rates of Proof Spirit, verified by Sykes's Hydrometer; viz.

	18 Degrees.			26 Degrees.			40 Degrees.			If imported in Bottles.		
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
——— of or from Foreign Countries:—												
Red - the Gallon	0	1	0	0	1	6	0	2	0	0	2	0
White - the Gallon	0	1	0	0	1	6	0	2	0	0	2	0
Lees of such Wine, the Gallon - -	0	1	0	0	1	6	0	2	0	0	2	0
——— the Growth and Produce of any British Possession:—												
Red - the Gallon	0	1	0	0	1	6	0	2	0	0	2	0
White - the Gallon	0	1	0	0	1	6	0	2	0	0	2	0
Lees of such Wine, the Gallon - -	0	1	0	0	1	6	0	2	0	0	2	0

Power to Commissioners of Customs to limit Ports of Importation.

Provided always, That the Commissioners of Customs may by their Order from Time to Time determine into what Ports in *Great Britain* and *Ireland*, Wine may or may not be imported; and all Wine imported into any Port contrary thereto shall be forfeited or otherwise dealt with as the said Commissioners may see fit to direct.

Power to Commissioners of Inland Revenue to make Allowances on Wine in Stock.

III. It shall and may be lawful for the Commissioners of Inland Revenue, and they are hereby authorized and empowered, to allow or cause to be allowed to all and every Licensed Dealer and Dealers in Wine in *Great Britain* and *Ireland* Two Shillings and Ninepence for every Gallon of Wine (reckoning Six reputed Quart Bottles to the Gallon) for which all the Duties repealed by this Act shall have been paid, and which was in Stock, and was the sole Property of any such Dealer or Dealers, on the Tenth Day of *February* One thousand eight hundred and sixty; provided always, that such Dealer shall prove, to the Satisfaction of the Commissioners of Inland Revenue, that the Customs Duty has been paid by him within the respective

respective Times herein-after limited on an equal or greater Quantity of Wine of the like Description, (that is to say,) if the Wine be *Portugal* or *French* Red Wine, within Two Years, or, if the same be any other Foreign Wine, within Six Months, preceding respectively the said last-mentioned Day; and if the Wine in Stock be greater than the Quantity on which he shall have paid Duty as last aforesaid, then he shall be allowed the said Two Shillings and Ninepence *per* Gallon on the said last-mentioned Quantity: Provided also, that no such Allowance shall be made to any such Dealer or Dealers in Wine unless he or they respectively shall hold a Licence to deal in Wine for which he shall have paid the Duty of Ten Guineas, or a Licence to retail Wine to be consumed on the Premises, and a Licence to deal in Spirits, or be a Person authorized to sell Wine under the Provisions of the Act Six *George* Fourth, Chapter Eighty-one, Section Thirty; nor unless such Dealer shall show to the Satisfaction of the Officers of Excise or Inland Revenue that he has not received into his Stock or had on the same Premises any *Cape* Wine, Wine from the *Channel Islands*, or Sweets, and that he has conformed in all other respects to the Regulations of the Commissioners of Excise or Inland Revenue and Customs issued from Time to Time in relation to Wine on which any Allowance of Duty was intended to be claimed in the event of a Reduction of the Customs Duty thereon; nor unless such Dealer shall have made the Declaration in respect of his Stock of Wine as the Commissioners of Excise or Inland Revenue shall have required, and the Truth whereof shall have been verified, when required, by Examination of the said Stock and of the Stock and Bin Book of such Dealer; nor unless all such Wine entered by such Dealers shall have been accompanied by a Duplicate Warrant from the Customs, and every such Warrant shall have been lodged with the Excise within One Month from its Date; nor unless such Dealer shall have at all Times kept open to the Inspection of the Officers of Excise or Inland Revenue a Stock Book containing the Stock originally declared, and also Entries of every Parcel subsequently received in or delivered out, and a separate Entry of all Wine exported; nor unless at the Time of claiming the Allowance hereby granted such Dealer shall make a Declaration of the Quantity and Description of his Stock, verified as aforesaid, and the same, and the Stock Book, shall be found correct; provided also, that every such Dealer shall, on claiming such Allowance, make a solemn Declaration whether any and how much of such Wine in his Possession on the Tenth Day of *February* One thousand eight hundred and sixty has been exported on Drawback between the said Tenth Day of *February* One thousand eight hundred and sixty and Twenty-eighth Day of the same Month inclusive; and no Allowance shall be granted in respect of Wine so exported on Drawback between those Days.

IV. The

Power to Treasury to authorize Payment of Monies advanced by Commissioners of Inland Revenue.

IV. The Commissioners of Inland Revenue shall cause a separate Account to be kept of all Sums of Money paid or advanced by them as Allowances under the Authority of this Act; and it shall be lawful for the Commissioners of the Treasury and they are hereby empowered, by Warrant under their Hands, from Time to Time to authorize and require the Comptroller of the Exchequer to pay over, out of the Consolidated Fund or the growing Produce thereof, such Sum or Sums of Money so paid or advanced as they shall think proper to the Account of the Receiver General of Inland Revenue; and all such Sums of Money so paid over to such last-mentioned Receiver General shall be applied and dealt with in the same Manner as Monies arising or coming to his Hands from Duties of Inland Revenue.

Duties charged upon Goods, &c. herein mentioned, imported, to cease on and after March 3, 1860, except as to Articles against which other Dates are inserted.

V. The Duties of Customs chargeable upon the Goods, Wares, and Merchandise next herein-after mentioned, imported into *Great Britain* and *Ireland*, shall cease and determine on and after the Third Day of *March* One thousand eight hundred and sixty, except as to Articles against which other Dates are inserted; that is to say,

Agates or Cornelians, set - - - -	for every 100*l.* Value.
Apples, raw - - - - - - -	the Bushel.
——— of and from British Possessions - - -	the Bushel.
Arms; viz.	
——— Swords, Cutlasses, Matchets, Bayonets, Gun Barrels, Gun Locks, Cannon and Mortars of Iron, not mounted, nor accompanied with Carriages - - - - - -	the Cwt.
——— Cannon and Mortars of Brass, not mounted, nor accompanied with Carriages - - - - - -	the Cwt.
——— Cannon and Mortars, mounted, or accompanied with Carriages, and other Fire-arms; viz., Muskets, Rifles, Carbines, Fowling Pieces, or Guns of any other Sort not enumerated, and Pistols,	for every 100*l.* Value.
Brass, Manufactures of, not otherwise enumerated - -	the Cwt.
Brocade of Gold - - - - - - -	the lb.
——— of Silver - - - - - -	the lb.
Bronze, Manufactures of, or of Metal, bronzed or lacquered -	the Cwt.
Canes, Walking Canes or Sticks, mounted, painted, or otherwise ornamented,	the 100.
——— Umbrella and Parasol Sticks - - - -	the 100.
Caoutchouc, Manufactures of - - - - -	the lb.
Cherries, raw - - - - - - -	the Bushel.
China or Porcelain Ware, plain, painted, gilt, or ornamented -	the Cwt.
Clocks; viz.	
——— not exceeding the Value of 5*s.* each - -	the Dozen.
——— exceeding the Value of 5*s.* and not exceeding the Value of 12*s.* 6*d.* each - - - - - - -	the Dozen.

Clocks

Customs.

Clocks—*continued.*

——— exceeding the Value of 12*s.* 6*d.* and not exceeding the Value of 3*l.* each - - - - - - - each.

——— exceeding the Value of 3*l.* and not exceeding the Value of 10*l.* each - - - - - each.

——— exceeding the Value of 10*l.* each - - - - each.

Corks, squared for rounding - - - - - the Cwt.

Cotton Manufactures; viz.

——— Fringe - - - - - - - the lb.

——— Gloves of Cotton or Thread - - - the Dozen Pairs.

——— Stockings of Cotton or Thread - - the Dozen Pairs.

——— Socks or Half Hose of Cotton or Thread - the Dozen Pairs.

——— Articles or Manufactures of Cotton, wholly or in part made up, not otherwise enumerated - - - every 100*l.* Value.

Earthenware, not otherwise enumerated or described - - the Cwt.

Embroidery and Needlework; viz.

——— on Silk, or Silk mixed with other Materials, not being Silk Net, every 100*l.* Value.

——— of and from British Possessions - - every 100*l.* Value.

——— Silk Net, figured with the Needle, being imitation Lace, and Articles thereof - - - - - the lb.

——— Cotton Net, figured with the Needle, being imitation Lace, and Articles thereof - - - - the lb.

——— Curtains, commonly called Swiss, embroidered on Muslin or Net, the lb.

——— all other Embroidery not enumerated - - every 100*l.* Value.

——— of and from British Possessions - - every 100*l.* Value.

Feathers:—

——— Ostrich, dressed - - - - the lb.

——— Paddy Bird, dressed - - - - - the lb.

——— not otherwise enumerated or described; viz.

Dressed - - - - - the lb.

Flowers, Artificial - - - - - per Cubic Foot.

Fruit, raw, not otherwise enumerated - - - the Bushel.

Grapes - - - - - - - the Bushel.

Gutta Percha, Manufactures of, not moulded - - the Cwt.

——— Articles, moulded - - - - - the lb.

Hair: Manufactures of Hair or Goats Wool, or of Hair or Goats Wool and any other Material, wholly or in part made up, for every 100*l.* Value.

Hats or Bonnets; viz.

——— of Chip - - - - - - - the lb.

——— of Bast, Cane, or Horsehair - - - - the lb.

——— of Straw - - - - - - - the lb.

——— of Hair, Wool, or Beaver - - - - each.

——— of Felt - - - - - - - each.

Hats, of Silk or Silk Shag, laid upon Felt, Linen, or other Material - each.

Iron and Steel, wrought or manufactured; viz.

——— Machinery, Wrought, Castings, Tools, Cutlery, and other Manufactures of Iron or Steel, not enumerated - - - the Cwt.

Customs.

Iron and Steel, wrought or manufactured—*continued.*
——— fancy ornamental Articles of Iron or Steel - - the Cwt.
——— Manufactures of, coated with Brass or Copper by any Galvanic Process - - - - - - the Cwt.
Jewels, Emeralds, and other Precious Stones, set - for every 100*l.* Value.
Lace, and Articles thereof; viz.
——— Mohair or Worsted - - - - the lb.
——— Thread or Cotton Pillow Lace (not being Brussels, Point, or Saxon Bone Lace), not exceeding One Inch in Width - - the lb.
Lace, exceeding One Inch in Width - - - - the lb.
——— Silk Pillow Lace (not being Saxon Wire Ground Lace), and Application - - - - - - - the lb.
——— Silk Saxon Wire Ground Lace, and all Lace known as Maltese - the lb.
——— Brussels Point and other Lace made by the Hand, not otherwise enumerated - - - - for every 100*l.* Value.
Lead, Manufactures of, not otherwise enumerated - - the Cwt.
Leather Manufactures (except Gloves); viz.
——— Boots, Shoes, and Calashes - - - the Dozen Pairs.
——— Women's Boots and Calashes - - - - the Dozen Pairs.
——— if lined or trimmed with Fur or other Trimmings - - - - the Dozen Pairs.
——— Shoes with Cork or double Soles, quilted Shoes and Clogs - - - the Dozen Pairs.
——— if trimmed or lined with Fur or any other Trimming - - - - the Dozen Pairs.
——— of Silk, Satin, Jean, or other Stuffs, Kid, Morocco, or other Leather - - - - the Dozen Pairs.
——— if trimmed or lined with Fur or any other Trimming - - - - the Dozen Pairs.
——— Girls Boots, Shoes, and Calashes, not exceeding Seven Inches in Length - - - - the Dozen Pairs.
——— Men's Boots and Shoes:
——— if the Quarter do not exceed Two and Three Quarter Inches, or the Vamp Four Inches in Height from the Sole inside, the Dozen Pairs.
——— if either the Quarter or Vamp exceed the above Dimensions, but do not exceed Six Inches in Height from the Sole inside, the Dozen Pairs.
——— if either the Quarter or Vamp do exceed Six Inches in Height from the Sole inside - - the Dozen Pairs.
——— Boys Boots, not exceeding Seven Inches in Length the Dozen Pairs.
——— Shoes, not exceeding Seven Inches in Length the Dozen Pairs.
——— Boot Fronts, not exceeding Nine Inches in Height the Dozen Pairs.
——— exceeding Nine Inches in Height - - the Dozen Pairs.
——— Boot Backs - - - - the Dozen Pairs.
——— cut into Shapes - - - - - the Cwt.
Gloves of Leather, after the 1st August 1860:
Habit Mitts - - - - - the Dozen Pairs.
——— Gloves - - - - - the Dozen Pairs.

Gloves

Customs.

Gloves—*continued.*

Men's Gloves	the Dozen Pairs.
Women's Gloves or Mitts	the Dozen Pairs.
Any Article made of Leather, or any Manufacture whereof Leather is the most valuable Part, not otherwise enumerated or described,	for every 100*l.* Value.
Linen or Linen and Cotton Manufactures; viz.	
——— Cambric Handkerchiefs, hemmed or hem stitched, not trimmed,	the Dozen.
——— Articles, Manufactures of Linen, or of Linen mixed with Cotton or Wool, wholly or in part made up, not particularly enumerated,	for every 100*l.* Value.
Lucifers, of Wood	the Cubic Foot.
——— Vesta, of Wax	the 1,000 Matches.
Medlars	the Bushel.
Morphia and its Salts	the lb.
Musical Instruments; viz.	
——— Musical Boxes, small, not exceeding Four Inches in Length,	the Air.
——— ——— large	the Air.
——— ——— Overtures or extra Accompaniments	the Air.
——— Pianofortes, viz., Horizontal Grand	each.
——— ——— Upright or Square	each.
——— Harmoniums or Seraphines	each.
——— Accordions, viz., commonly called Chinese	the 100 Notes.
——— ——— other Sorts, including Flutinas and Concertinas,	the 100 Notes.
——— of Brass, Copper, or any other Metal, and Parts of such	the lb.
——— not otherwise enumerated or described	for every 100*l.* Value.
Oil of Almonds	the lb.
——— Bays	the lb.
Oil, Chemical, Essential, or Perfumed; viz.	
——— Bergamot	the lb.
——— Carraway	the lb.
——— Cassia	the lb.
——— Cloves	the lb.
——— Lavender	the lb.
——— Lemon	the lb.
——— Mint and Spearmint	the lb.
——— Oil or Otto of Roses	the lb.
——— Peppermint	the lb.
——— Spike	the lb.
——— Thyme	the lb.
——— unenumerated	the lb.
Opera Glasses, single	each.
——— double, and all Marine and Race Glasses, not being Telescopes	each.
Pears, raw	the Bushel.
Percussion Caps	the 1,000.
Perfumery, not otherwise enumerated	the lb.

Quinces

Customs.

Quinces - - - - - - - the Bushel.
Quinine, Sulphate of - - - - - the oz.
Silk; viz.
——— Millinery of Silk, or of which the greater Part of the Material is Silk; viz.
Turbans or Caps - - - - - each.
Hats or Bonnets - - - - each.
Dresses - - - - - - each.
——— Corahs, Choppas, Bandannas, Tussore Cloths, Romals, and Taffaties; viz.
in Pieces not exceeding 6¼ Yards in Length - the Piece.
——— exceeding 6¼ and not exceeding 7¼ Yards in Length, the Piece.
——— exceeding 7¼ and not exceeding 12 Yards in Length, the Piece.
——— China Crape Shawls, Scarfs, Handkerchiefs, and Pieces; viz.
Plain and Damask - - - - - the lb.
Embroidered - - - - - - the lb.
Damask - - - - - the running Yard.
——— Pongees; viz.
in Pieces not exceeding 15 Yards in Length - - the Piece.
——— exceeding 15 and not exceeding 21 Yards in Length, the Piece.
——— exceeding 21 and not exceeding 31 Yards in Length, the Piece.
——— Handkerchiefs, plain and figured, in Pieces not exceeding 9 Yards in Length - - - - - - the Piece.
——— exceeding 9 Yards and not exceeding 18 Yards in Length, the Piece.
——— Manufactures of Silk or of Silk and any other Material, not being Articles wholly or in part made up, not particularly enumerated, for every 100*l.* Value.
——— of and from a British Possession - for every 100*l.* Value.
——— Articles, Manufactures of Silk, or of Silk and any other Material, not particularly enumerated - - for every 100*l.* Value.
——— of and from a British Possession - for every 100*l.* Value.
——— Manufactures of Silk, or of Silk mixed with Metal or any other Material the Produce of Europe; viz.
Silk or Satin, plain, striped, figured, or brocaded; viz.
Broad Stuffs - - - - - - - - the lb.
Articles thereof not otherwise enumerated - - the lb.
——— Gauze or Crape, plain, striped, figured, or brocaded; viz.
Broad Stuffs - - - - - the lb.
Articles thereof not otherwise enumerated - - the lb.
——— Gauze, mixed with Silk, Satin, or any other Materials, the Gauze being in less Proportion than One Half Part of the Fabric; viz.
Broad Stuffs - - - - - the lb.
Articles thereof not otherwise enumerated - - the lb.

Silk

Customs.

Silk—*continued.*

——— Velvet, plain or figured; viz.
Broad Stuffs - - - - - - the lb.
Articles thereof not otherwise enumerated - - the lb.

——— Broad Stuffs, the Foundation of which is wholly composed of Cotton or other Materials than Silk - - - the lb.

——— Ribbons, plain Silk, of One Colour only - - - the lb.
Plain Satin, of One Colour only - - - - the lb.
Silk or Satin, striped, figured, or brocaded, or plain Ribbons of more than One Colour - - - the lb.
Gauze or Crape, plain, striped, figured, or brocaded - the lb.
Gauze, mixed with Silk, Satin, or other Materials, the Gauze being in less Proportion than One Half Part of the Fabric, the lb
Velvet or Plush, wholly of Silk, or of Silk mixed with Cotton, not exceeding Nine Inches in Width; viz.
Plain, or embossed by Depression, without Satin or Fancy Edge - - - - - - the lb.
Figured, brocaded, striped, or spotted, or with Fancy or Satin Edge, and Silk Ribbons in any way mixed or ornamented with Velvet or Plush - - - - the lb.
Fancy Silk Net or Tricot - - - the lb.
Plain Silk Lace or Net called Tulle - - the lb.
Manufactures of Silk, or of Silk mixed with other Materials, called Plush, not being Ribbons - - the lb.
Articles thereof not otherwise enumerated - - the lb.
Black Plush, commonly used for making Hats - the lb.
Parasols and Umbrellas - - - - each.
Damask of Silk and Wool, or of Silk and other Materials, for Furniture - - - - - the lb.
Manufactures of Silk, or of Silk mixed with any other Materials, not particularly enumerated - for every 100*l.* Value.

Stays or Corsets of Linen or of Cotton, or of Linen and Cotton mixed, the Dozen Pairs.

Sulphuric Acid - - - - - - the lb.

Toys; viz.
Marbles - - - - - - - the Cwt.
All other Toys - - - - - the Cubic Foot.

Turnery, not otherwise described - - - the Cubic Foot.

Watches; viz.
Watches of Gold, Silver, or any other Metal, exceeding the Value of 10*l.* each - - - - - - each.
——— Gold, open Faces - - - - - each.
——— Hunter - - - - - - - each.
——— Repeaters - - - - - - each.
——— Silver or any other Metal not Gold - - - each.
——— ——— open Faces - - - - - each.
——— ——— Hunters - - - - - each.
——— ——— Repeaters - - - - - each.

Customs.

Woollens; viz.

——— Articles or Manufactures of Wool (not being Goat's Wool) or of Wool mixed with Cotton; viz.

——— Carpets and Rugs	the Square Yard.
——— Shawls, Scarfs, and Handkerchiefs, plain	the lb.
——— ——— Printed	the lb.
——— Gloves	the Dozen Pairs.
——— wholly or in part made up, not otherwise charged with Duty,	for every 100*l.* Value.

Goods being either in part or wholly manufactured, and not being enumerated or described, and not prohibited to be imported into or used in Great Britain or Ireland; but if any such Goods shall be composed of any Article liable to Duty as a Part or Ingredient thereof, then such Goods shall be chargeable with the full Duty payable on such Article, or if composed of more than One Article liable to Duty then with the full Duty payable on the Article charged with the highest Rate of Duty.

In lieu of Duties on Articles under mentioned, the Duties herein named shall be charged until the Days herein-after mentioned; after those Days the Duties to cease.

VI. In lieu of the Duties of Customs now chargeable on the Articles next herein-after mentioned, on their Importation into *Great Britain* and *Ireland*, the following Duties of Customs shall, on and after the Sixth Day of *March* One thousand eight hundred and sixty, be charged, until the respective Days herein-after mentioned; and from and after those Days respectively the said Duties shall cease and determine; that is to say,

Until the 31st Day of March 1862 inclusive.

		£	s.	d.
Corks, ready made	the lb.	0	0	3

Until the 31st Day of March 1861 inclusive.

Hats or Bonnets; viz.				
Of Chip	the lb.	0	1	3
Of Bast, Cane, or Horsehair	the lb.	0	1	3
Of Straw	the lb.	0	1	3

Until the 1st Day of August 1860 inclusive.

Leather Manufactures; viz.				
——— Gloves of Leather—				
——— Habit Mitts	the Dozen Pairs	0	1	2
——— ——— Gloves	the Dozen Pairs	0	1	9
——— Men's Gloves	the Dozen Pairs	0	1	9
——— Women's Gloves or Mitts	the Dozen Pairs	0	2	3

Duties on Paper, &c.

VII. In lieu of the Duties of Customs now chargeable on the under-mentioned Articles on their Importation into *Great Britain* and *Ireland* the following Duties of Customs shall, on and after the Sixth Day of *March* One thousand eight hundred and sixty, and until the Fifteenth Day of *August* One thousand eight hundred and sixty,

sixty, inclusive, be charged, and that from and after that Date the Duties shall be the same as the Excise Duties for the Time being on Paper of *British* Manufacture.

Paper; viz.	£	s.	d.
—— —— Printed, painted, or stained Paper Hangings, or Flock Paper - - - - - the Cwt.	0	14	0
——— Pasteboard - - - - the Cwt.	0	15	0

VIII. In lieu of the Duties of Customs now charged on the Articles under mentioned the following Duties of Customs shall, on and after the Sixth Day of *March* One thousand eight hundred and sixty, be charged thereon on Importation into *Great Britain* and *Ireland;* viz.

In lieu of Duties now charged on Spirits, the Duties herein named to be charged.

	£	s.	d.
Spirits or Strong Waters, not being sweetened or mixed with any Article so that the Degree of Strength thereof cannot be ascertained by Sykes's Hydrometer, for every Gallon of the Strength of Proof by such Hydrometer, and so in proportion for any greater or less Strength than the Strength of Proof, and for any greater or less Quantity than a Gallon, the Gallon	0	8	6
Spirits of and from a British Possession in America or the Island of Mauritius, and Rum of and from any British Possession within the Limits of the East India Company's Charter, in regard to which the Conditions of the Act 4 Vict. c. 8. have or shall have been fulfilled - - - - - the Gallon	0	8	3
—— Rum Shrub, Liqueurs and Cordials, of and from a British Possession in America or the Island of Mauritius, or a British Possession within the Limits of the East India Company's Charter, qualified as aforesaid - the Gallon	0	8	3
—— Rum of and from any Foreign Country, being the Country of its Production - - the Gallon	0	8	3
—— Rum from any Country not being the Country of its Production - - - - the Gallon	0	8	6
—— Tafia of and from any Colony of France - the Gallon	0	8	3
—— other Spirits, being sweetened or mixed, so that the Degree of Strength cannot be ascertained as aforesaid, and perfumed Spirits, to be used as Perfumery only - - - - the Gallon	0	12	0
Spirits or Strong Waters, imported into the United Kingdom, mixed with any Ingredient, and, although thereby coming under some other Designation, except Varnish, shall nevertheless be deemed to be Spirits or Strong Waters, and be subject to Duty as such.			
—— Water, Cologne, the Flask (Thirty of such Flasks containing not more than One Gallon) - each	0	0	5
—— —— when not in Flasks, as perfumed Spirits - the Gallon	0	12	0

IX. The Duties of Customs chargeable upon the Goods, Wares, and Merchandise herein-after next mentioned, imported into *Great Britain*

Duties on Articles herein named to

cease on and after March 7, 1860.

Britain and *Ireland*, shall, on and after the Seventh Day of *March* One thousand eight hundred and sixty, cease and determine; that is to say,

Almonds, not Jordan, nor Bitter	the Cwt.
Jordan	the Cwt.
Ammunition; viz.	
Shot, large and small, of Lead	the Cwt.
of Iron	the Cwt.
Rockets and other Combustibles for Purposes of War, and not otherwise enumerated or described	Value.
Apples, dried	the Bushel.
Baskets	the Cubic Foot.
Beads; viz.	
Arango	the lb.
Coral	the lb.
Crystal	the lb.
Jet	the lb.
not otherwise enumerated or described	the lb.
Boxes; viz.	
Brass	the Cwt.
not otherwise charged with Duty	Value.
Butter	the Cwt.
of and from a British Possession	the Cwt.
Candles; viz.	
Spermaceti	the Cwt.
Stearine	the Cwt.
Tallow	the Cwt.
Wax	the Cwt.
Capers, including the Pickle	the lb.
Cassia Lignea	the lb.
Cheese	the Cwt.
of and from a British Possession	the Cwt.
Cinnamon	the lb.
Cloves	the lb.
Coculus Indicus	the Cwt.
Copper, Manufactures of, not otherwise enumerated or described, and Copper Plates engraved	the Cwt.
Coral Negligees	the lb.
Daguerreotype Plates	the lb.
Dates	the Cwt.
Eggs	the Cubic Foot of the Package, internal Measurement.
of and from a British Possession	
Extract; viz.	
of Cardamoms	Value.
Coculus Indicus	Value.
Guinea Grains of Paradise	Value.
Liquorice	Value.
Nux Vomica	Value.
Opium	Value.
Guinea Pepper	Value.

Peruvian

Customs.

Extract—*continued.*

Peruvian or Jesuits Bark	Value.
Quassia	Value.
Radix Rhataniæ	Value.
Vitriol	Value.
or Preparation of any Article, not particularly enumerated	Value.
Ginger	the Cwt.
Glass; viz.	
Flint Cut Glass, Flint Coloured Glass, and Fancy ornamental Glass of whatever Kind	the Cwt.
Gongs	the Cwt.
Grains, Guinea and of Paradise	the Cwt.
Japanned or Lacquered Ware	the Cwt.
Liquorice; viz.	
Paste	the Cwt.
—— of and from British Possessions	the Cwt.
Powder	the Cwt.
—— of and from British Possessions	the Cwt.
Juice	the Cwt.
Mace	the lb.
Mustard; viz.	
Flour	the Cwt.
mixed or manufactured, except Flour	the Cwt.
Nutmegs; viz.	
except those commonly called Wild	the lb.
Wild in the Shell	the lb.
—— not in the Shell	the lb.
or other Spices, or Admixtures thereof, ground	the lb.
Nuts; viz.	
Small Nuts	the Bushel.
Walnuts	the Bushel.
Nux Vomica	the Cwt.
Oilcloth	the Square Yard.
Onions	the Bushel.
Opium	the lb.
Oranges and Lemons	the Bushel.
Pears, dried	the Bushel.
Pewter, Manufactures of, not otherwise enumerated	the Cwt.
Pimento	the Cwt.
Platting; viz.	
of Chip, not being of greater Value than Sixpence per Piece of 60 Yards	the lb.
or other Manufactures of Straw, Chip, or other Materials to be used in or proper for making or ornamenting Hats or Bonnets, not otherwise enumerated	the lb.
Cordonet Single, and Twist of Straw or of other Materials	the lb.
Willow Squares	the Cwt.

Customs.

Pomatum	the lb.
Quassia	the Cwt.
Rice; viz.	
not rough nor in the Husk	the Cwt.
rough and in the Husk	the Quarter.
Salacine	the oz.
Sauces not otherwise enumerated	the lb.
Scaleboards	the Cwt.
Seeds, Caraway	the Cwt.
——— of and from British Possessions	the Cwt.
Ships, Foreign-built, broken up, or sold to be broken up, or abandoned by the Owners, or sold as Wreck, whether afterwards recovered or repaired or not	Value.
Soap; viz.	
Hard	the Cwt.
Soft	the Cwt.
Naples	the Cwt.
Scented or Fancy Soap	the lb.
Soy	the Gallon.
Spa Ware	the Cubic Foot.
Spelter or Zinc, Manufactures of, not otherwise enumerated	the Cwt.
Stearine	the Cwt.
Tallow	the Cwt.
——— of and from British Possessions	the Cwt.
Tin; viz.	
Foil	the Cwt.
Manufactures of, not otherwise enumerated	the Cwt.
Veneers	the Cwt.
Washing Balls	the lb.
Yarn, Woollen or Worsted; viz.	
Commonly called Berlin Wool, or Zephyr Yarn, and Woollen and Worsted Yarn of Two or more Threads; viz.	
Scoured, bleached, or coloured	the lb.
Not scoured, bleached, or coloured	the lb.

In lieu of Duties now charged on Articles herein named, the reduced Duties to be charged on and after March 7, 1860.

X. In lieu of the Duties of Customs now chargeable on the Articles next mentioned, imported into *Great Britain* and *Ireland*, the following Duties of Customs shall, on and after the Seventh Day of *March* One thousand eight hundred and sixty, be charged; that is to say,

		£.	s.	d.
Plate of Gold	the oz. Troy	0	17	0
——— Silver, Gilt or Ungilt	the oz. Troy	0	1	6
Powder; viz.				
Hair Powder	the Cwt.	0	0	4½
Perfumed	the Cwt.	0	0	4½
Vermicelli and Maccaroni	the Cwt.	0	0	4½
Currants	the Cwt.	0	7	0
Figs	the Cwt.	0	7	0
Fig Cake	the Cwt.	0	7	0
Raisins	the Cwt.	0	7	0

XI. The

Customs.

XI. The Duties of Customs now charged on the Articles next mentioned shall continue to be levied and charged, on and after the First Day of *April* One thousand eight hundred and sixty until the First Day of *July* One thousand eight hundred and sixty-one, on Importation into *Great Britain* and *Ireland*; that is to say,

Duties now charged on Tea, Sugar, &c. continued until 1st July 1861.

		£	s.	d.
Tea (without any Allowance for Draft) -	the lb.	0	1	5
Cherries, dried - - - -	the lb.	0	0	2
Comfits, dry - - - -	the lb.	0	0	2
Confectionery - - - - -	the lb.	0	0	2
Ginger, preserved - - - -	the lb.	0	0	2
Marmalade - - - - -	the lb.	0	0	2
Plums, preserved in Sugar - - -	the lb.	0	0	2
Succades, including all Fruits and Vegetables preserved in Sugar, not otherwise enumerated - -	the lb.	0	0	2
Sugar; viz.				
Candy, Brown or White, Refined Sugar, or Sugar rendered by any Process equal in Quality thereto	the Cwt.	0	18	4
White Clayed Sugar, or Sugar rendered by any Process equal in Quality to White Clayed, not being Refined or equal in Quality to Refined - -	the Cwt.	0	16	0
Yellow Muscovado and Brown Clayed Sugar, or Sugar rendered by any Process equal in Quality to Yellow Muscovado or Brown Clayed, and not equal to White Clayed - - - -	the Cwt.	0	13	10
Brown Muscovado or any other Sugar, not being equal in Quality to Yellow Muscovado or Brown Clayed Sugar - - - -	the Cwt.	0	12	8
Cane Juice - - - -	the Cwt.	0	10	4
Molasses - - - -	the Cwt.	0	5	0

The following Drawbacks shall be allowed on Exportation to Foreign Parts, or on Removal to the *Isle of Man* for Consumption there, of the several Descriptions of Refined Sugar herein-after mentioned, on and after the First Day of *April* One thousand eight hundred and sixty until the First Day of *July* One thousand eight hundred and sixty-one; that is to say,

	£	s.	d.
Upon Refined Sugar, in Loaf, complete or whole, or Lumps duly refined, having been perfectly clarified and thoroughly dried in the Stove, and being of an uniform Whiteness throughout, or Sugar Candy, or Sugar refined by the Centrifugal Machine, or by any other Process, and not in any way inferior to the Export Standard, No. 3, approved by the Lords of the Treasury - - - for every Cwt.	0	17	2

Upon

	£	s.	d.
Upon such Refined Sugar already described, if pounded, crushed, or broken in a Warehouse approved by the Commissioners of Customs, such Sugar having been there first inspected by the Officers of Customs in Lumps or Loaves, as if for immediate Shipment, and then packed for Exportation in the Presence of such Officers, and at the Expense of the Exporters for every Cwt.	0	17	2
Upon Refined Sugar unstoved, pounded, crushed or broken, and not in any way inferior to the Export Standard Sample No. 1 approved by the Lords of the Treasury, and which shall not contain more than 5 per Centum Moisture over and above what the same would contain if thoroughly dried in the Stove for every Cwt.	0	16	4
Upon Bastard or Refined Sugar, unstoved, broken in Pieces, or being ground, powdered, or crushed, not in any way inferior to the Export Standard Sample No. 2. approved by the Lords of the Treasury for every Cwt.	0	15	1
Upon Bastard or Refined Sugar being inferior in Quality to the said export Standard Sample No. 2. for every Cwt.	0	12	8

Duties on Timber and Wood.

XII. In lieu of the Duties of Customs now chargeable on Wood and Timber, as denominated in the Table A. to the "Tariff Act, 1855," Foreign and Colonial, on Importation into *Great Britain* and *Ireland*, the following Duties of Customs shall, on and after the Eighth *March* One thousand eight hundred and sixty, be charged; that is to say,

		£	s.	d.
Wood and Timber, hewn, and Lathwood - -	the Load	0	1	0
Sawn or split, planed or dressed - -	the Load	0	2	0
Firewood, not exceeding 3 Feet in Length -	the Load	0	1	0

The following Duties of Customs shall be charged on and after the Eighth of *March* One thousand eight hundred and sixty, on the Goods under mentioned, on Importation into *Great Britain* and *Ireland;* that is to say,

		£	s.	d.
Teak and Wood for Shipbuilding Purposes -	the Load	0	1	0
Mahogany, Hard Wood, or Furniture Woods; viz. Box Wood, Beef Wood, Cedar, Ebony, King Wood, Lignum Vitæ, Maple, New Zealand Wood, Olive Wood, Purple Wood, Rose Wood, Satin Wood, Santa Maria Wood, Speckled Wood, Sweet Wood, Tulip Wood, Walnut Wood, Zebra Wood, Furniture Wood unenumerated, not being Ash, Beech, Birch, Elm, Oak, and Wainscot - - -	the Ton	0	1	0
Staves, not exceeding 72 Inches in Length, nor 7 Inches in Breadth, nor 3¼ Inches in Thickness (except Staves for Herring Barrels) - - -	the Load	0	1	0

The

The following Drawbacks shall, from and after the Eighth Day of *March* One thousand eight hundred and sixty, be allowed on Exportation to Foreign Parts of the several Descriptions of Wood and Timber, whether Foreign or Colonial, herein-after mentioned; that is to say, Drawback on Wood Goods.

		£	s.	d.
Wood and Timber, hewn, and Lathwood - -	the Load	0	1	0
Sawn or split, planed or dressed -	the Load	0	2	0
Teak and Wood for Shipbuilding Purposes -	the Load	0	1	0
Mahogany, Hard Wood, or Furniture Woods -	the Ton	0	1	0
Staves not exceeding 72 Inches in Length, nor 7 Inches in Breadth, nor 3¼ Inches in Thickness (except Staves for Herring Barrels) - -	the Load	0	1	0

Provided that no such Drawback shall be allowed unless the Person claiming the same shall make and subscribe a Declaration that the Goods in respect of which he claims such Drawback are of Foreign or Colonial Produce, as the Case may be.

XIII. The Duty on Timber and Wood Goods shall be paid on the First Importation thereof, and no such Goods shall be warehoused under the Laws in force for the warehousing of Goods in Warehouses approved for the warehousing of Goods without Payment of Duty on the First Entry thereof, either for Home Consumption, Exportation, or otherwise. Duties on Timber to be paid on First Importation.

XIV. On and after the Twenty-first Day of *March* One thousand eight hundred and sixty there shall be charged upon all Ships, Foreign-built, of Wood, and upon all Ships built of Wood in any of Her Majesty's Possessions abroad, on the Registration thereof as *British* Ships at any Port or Place for the Registry of *British* Ships in *Great Britain* and *Ireland*, the Duties of Customs following; that is to say, Duty on Ships.

	s.	d.
For every Ton of the gross Registered Tonnage of such Ships, without any Deduction in respect of Engine Room or otherwise - -	1	0

XV. Upon Goods deposited in any Warehouse for the Security of Duties of Customs, and in addition to such Duties of Customs, or any other Charges payable thereon, there shall be paid at the Time of Delivery from the Warehouse for Home Consumption the Rates following; that is to say, Rates payable on Delivery of Goods from Warehouse for Home Consumption.

For every 100*l.* of Customs Duty payable on the Goods.

	£	s.	d.
Upon such Goods, not being Tobacco or Sugar, as shall not have been removed under Bond from any such Warehouse in any Port or Place to any other Warehouse in any other Port or Place - - - - - - -	0	5	0
Upon such Goods, not being Tobacco or Sugar, as shall have been so removed under Bond - - -	0	10	0
Upon Tobacco which shall not have been so removed under Bond - - - - - - -	0	2	6

	£	s.	d.
Upon Tobacco which shall have been so removed under Bond	0	5	0
Upon Sugar which shall not have been so removed under Bond	0	5	0
Upon Sugar which shall have been so removed under Bond -	0	10	0

Provided that the extra Rates above charged upon any Goods which shall have been removed under Bond shall not apply to Removals under Bond to Warehouses in Ports or Places which now possess the Privilege of bonding.

Rates on Imports as herein stated.

XVI. There shall be charged (irrespective of any Duties of Customs or other Rates or Charges payable by Law) upon the Importation of all Goods into *Great Britain* and *Ireland*, except Corn, Grain, and Flour, and Timber and Wood Goods, and Goods in Transit exported under Bond, and Goods imported for Exportation in the same Ship, provided they be so reported, the respective Rates and Charges following; that is to say,

	s.	d.
Goods in Packages or Parcels, per Package or Parcel or other Unit of Entry - - - - - - - -	0	1
Goods in Bulk by Weight, Measure or Number for each Unit of Entry - - - - - - - - -	0	1
Animals per Head or other Unit of Entry - - -	0	1
And there shall be charged upon every Customs Bill of Lading, on the Exportation of any Goods from Great Britain and Ireland -	1	6

Definition of Unit of Entry.

XVII. The Term Unit of Entry shall mean the Number of Packages or Animals or Quantity of Goods made chargeable with the Rate of One Penny in manner herein-after provided.

Power to adjust Unit of Entry.

XVIII. It shall be lawful for the Lords of the Treasury or the Commissioners of Customs to fix or adjust the Number or Quantity of Goods which shall constitute the Unit of Entry chargeable with the Rate of One Penny, having regard to the Value of the Goods, and from Time to Time to alter and vary the same as they may see fit, so that the said Rate of One Penny shall exceed as little as may be in their Judgment Five Shillings for every Hundred Pounds Sterling upon the lowest ordinary Value of the Article to which such Charge attaches.

Rates to be paid by Stamps.

XIX. The Rates of One Penny *per* Unit of Entry on Goods imported into *Great Britain* and *Ireland* imposed by this Act shall be paid or denoted by adhesive Stamps provided in pursuance of this Act; and every Person liable to pay such Rates or Charges shall affix the proper Stamp or Stamps, representing the Amount required for that Purpose, to such Document or Documents, at such Time or Times and in such Manner, and shall present the same to such Officer of Customs, as the Commissioners of Customs shall at any Time and from Time to Time order or direct; and no such Document shall be received or acted upon by the proper Officer of

Customs

Customs for the Purpose for which the same is intended if the Stamp or Stamps affixed thereto shall be of less Value or Amount than the Rates due and payable in respect of the Goods or Packages comprised in such Document, nor unless the same shall be the proper Stamp or Stamps applicable to such Document, and be clear and unobliterated, and not have been used before.

XX. The Importer of any Goods liable to the Rate of One Penny *per* Unit of Entry, but free of Duties of Customs upon Importation thereof, shall at the Time of Entry, or before Delivery of such Goods, furnish Particulars according to the Description of the Goods imported and other Characters and Circumstances set forth in respect of such Goods in the Tariff to this or any other Act relating to the Customs in force for the Time being, or in the event of any Alteration in the Mode of describing such Goods or any of them being directed by the Lords of the Treasury, then as to such Goods according to such Alteration or Direction, and shall make and subscribe a Declaration at the Foot thereof of the Truth of such Particulars; and the same may be written upon the Entry or other Document to which the Stamps representing the Sum payable in respect of such Unit of Entry are affixed at the Time of presenting the same, or in case of Entry by Bill of Sight, or by imperfect Entry for the Purpose of clearing the Ship, then on the perfect Entry at the Time of perfecting such Entry, and in the latter Cases the One Penny *per* Unit of Entry shall be paid on the perfecting of such Entry before the Delivery of the Goods; and if such Particulars shall be untrue the Person making such Declaration shall forfeit and pay a Penalty of Forty Shillings.

Particulars of Free Goods Inwards.

XXI. The Term "Bill of Lading" shall be construed to mean and include any Bill of Lading or other Instrument equivalent thereto or used in the Place thereof, on the Consignment or forwarding of any Goods to Foreign Parts, or which shall or may be used by any Shipper, Carrier, Forwarder, or Consignee, Broker, or other Person as and for or to serve the Purpose of a Bill of Lading on the Exportation of Goods, whether shipped direct from the Port of Shipment, or forwarded by Railway, Canal, or other Mode of Transit or Carriage, to any Port or Place for Shipment, and also to mean and include the Shipping Bill now required under "The Customs Consolidation Act, 1853," if the Commissioners of Customs shall order and direct that the same shall be used and accepted in *London*, or at any other Port or Place, as and for the Bill of Lading required by this Act; and the Customs Bill of Lading shall be a Counterpart of such Bill of Lading or other Instrument as aforesaid, except where the Shipping Bill shall be used and accepted as aforesaid as and for the Bill

Construction of the Term "Bill of Lading."

Bill of Lading, in which Case such Shipping Bill shall be the Customs Bill of Lading, and shall contain the Name and Address of the Exporter of the Goods therein mentioned, or his Agent, and an accurate Specification of the Marks, Numbers, Description, Quantity, and Value of the Goods comprised therein, showing separately those which are of *British* Manufacture and those which are Foreign, imported free of Duty, or on which all Duties have been paid, and are not to be drawn back, shall be endorsed on such Counterpart or annexed thereto, or be included in such Shipping Bill where the same shall be used and accepted as aforesaid; and shall, when received by the proper Officer of Customs, be deemed to be the Entry Outwards, so far as relates to any Goods comprised therein in respect whereof no Bond is required on the Exportation thereof; and no such Bill of Lading or other Instrument as aforesaid in respect of any Goods exported shall be valid if it contain or include the Goods of more than One Consignor, nor if the Goods be for Delivery from such Consignor to more than One Person or Firm under the Consignment thereby made; and every Person who shall make, sign, or utter any Bill of Lading or other Instrument as aforesaid contrary hereto shall be deemed to have evaded the Stamp Duty on each separate Consignment mentioned therein, and shall forfeit and pay a Penalty of Five Pounds, in addition to treble the Amount of Stamp Duty so evaded.

Bill of Lading to be deemed the Entry Outwards of Free Goods, but not to include more than One Consignment.

Penalty.

Bills of Lading to be delivered within Time prescribed.

XXII. The "Customs Bills of Lading," not being in the Form of a Shipping Bill, relating to the Goods exported by any Ship, together with the Specification herein-before required to be endorsed thereon or annexed thereto, shall either before or within Twenty-four Hours after the final Clearance of such Ship be delivered by the Exporter of such Goods or his Agent to the proper Officer of Customs, with a Declaration subscribed by him that such Specification is true, except where it shall be found more convenient to the Exporter of the Goods to postpone the Endorsement or Delivery of such Specification, in which Case he shall by himself or his Agent, either before or within such Twenty-four Hours, deliver to the proper Officer of Customs the "Customs Bills of Lading," and shall within Six Days thereafter deliver to the proper Officer of Customs separately the Specification of the Goods contained in such "Customs Bill of Lading," with the like Declaration of the Truth thereof; provided that where the Shipping Bill shall be used and accepted as and for the Customs Bill of Lading, the same shall be delivered prior to the Shipment of the Goods, and shall contain all the Particulars required to be given in the Endorsement on the Bill of Lading or Specification herein-before referred to, unless it shall be found more convenient to postpone the Delivery of such Particulars,

ticulars, in which Case the Shipping Bill shall not be required to contain more than the Marks and Numbers, and Number of the Packages and general Denomination of the Goods, with the Name and Address of the Exporter or his Agent; but in such Case the Specification herein-before required shall be delivered within Six Days after the final Clearance of the Ship, as in the Case of Postponement of Specification, and with the like Declaration of the Truth thereof; and it shall be lawful for the proper Officer of Customs to call for the Invoice, Bills of Lading, Bills of Parcels, and such other Documents as relate to the Goods as he may think necessary to test the Accuracy of such Specification, and every Person in whose Hands the same may be shall produce the same when so required; and if such Exporter or his Agent, or other Person, shall fail to comply with such of the foregoing Requirements as respectively relate to him, he shall forfeit and pay for every such Offence a Penalty of Forty Shillings: Provided also, that these Requirements shall not apply to any Cargoes or Parts of Cargoes which shall have been shipped under the Regulations in force prior to the passing of this Act: Provided also, that it shall be lawful for the Commissioners of Customs to extend the Time or Times within which the Customs Bill of Lading, with or without the Specification endorsed thereon or annexed thereto, or the Specification separately, at any Port or Place as they may see fit, shall or may be delivered to the proper Officer of Customs.

Penalty on failing to comply with foregoing Requirements.

XXIII. When any Goods are delivered by any Exporter or his Agent to any Carrier or Forwarder, for the Purpose of being conveyed by Railway, Canal, or other Mode of inland Carriage or Transit, to and to be exported from any Port of Shipment, by or for such Carrier or Forwarder, such Exporter or his Agent shall in all Cases where a Shipping Bill is now required by Law prepare and sign, adding thereto his Address, Place of Abode or Business, and deliver to such Carrier or Forwarder, the Customs Bill of Lading or Shipping Bill as required by this Act on the Exportation of Goods, and such Carrier or Forwarder shall obtain the Signature of the Master of such Ship to such Bill of Lading, and shall, either before or within Twenty-four Hours after the final Clearance of such Ship, deliver such Bill of Lading to the proper Officer of Customs at the Port of Shipment; and if such Customs Bill of Lading shall not at the Time of the Delivery thereof to such proper Officer be endorsed with the Specification by this Act required on the Exportation of Goods, the Exporter or his Agent shall, within Six Days after the final Clearance of the exporting Ship, transmit to the proper Officer of Customs of the Export Department at the Port of Shipment the separate Specification by this Act required in Cases where the Exporter or his

Bills of Lading, &c., relating to Goods conveyed by Forwarders.

Penalty on Exporter, &c. failing to comply with Requirements hereby made.

Agent postpones the Endorsement upon or Delivery of such Specification, with the Customs Bill of Lading; and every Exporter, Agent, Carrier, Forwarder, or Broker who shall fail to comply with such of the Requirements hereby made as relate to him or them respectively shall forfeit and pay a Penalty of Forty Shillings; and every such Carrier or Forwarder who shall convey any Goods to any Port of Shipment, to be there shipped and exported by or for him, without such Customs Bill of Lading in respect thereof, shall forfeit and pay for every such Offence the Sum of Forty Shillings.

Meaning of the Terms "Carrier or Forwarder" and "Goods" as used in this Act.

XXIV. The Term "Carrier or Forwarder" shall be understood to mean and apply to any public Carrier or other Person undertaking the Through-Carriage by Land and Sea of any Goods to Foreign Parts, or the Carriage of any Goods to any Port or Place of Shipment, to be there shipped and exported to Foreign Parts by or for him; and the Term "Goods" as used in this Act shall be understood to mean Goods, Wares, and Merchandise exported in the Way of Trade, and shall not apply to small Parcels or other Articles in respect of which Shipping Bills have not been required under the Customs Laws prior to the passing of this Act.

Penalty on Exporter, &c. shipping without Bill of Lading.

XXV. If any Exporter, Shipper, or other Person shall have shipped or caused to be shipped for Exportation to Parts beyond the Seas any Goods for which the Customs Bill of Lading shall not have been delivered within the Time specified by this Act after the final Clearance of the exporting Ship to the proper Officer of Customs, or for which the Shipping Bill, where the same shall be used and accepted as aforesaid as and for the Customs Bill of Lading, shall not have been so delivered prior to the Shipment of the Goods, such Exporter, Shipper, or other Person so offending shall forfeit and pay a Penalty of Twenty Pounds.

Master or Owner to deliver a Manifest of Goods shipped.

XXVI. The Master or Owner of every Ship in which any Goods shall be shipped for Exportation shall by himself or his Agent, within Six Days after the final Clearance outwards of such Ship, deliver to the proper Officer of Customs a Manifest of all the Goods so shipped, containing the Marks and Numbers and the Number and Description of the Packages distinguishing each Consignment, and furnishing the Names of the respective Consignors and the Number of Consignees according to the Sets of Bills of Lading relating to such Consignments; and the Person delivering such Manifest as herein-before required shall make and subscribe a Declaration at the Foot thereof that such Manifest contains a true Account of all the Goods exported in such Ship in accordance with the Requirements of this Act; and if he shall fail to deliver such Manifest within the Time hereby required

required, or to make and subscribe such Declaration at the Foot thereof, he shall forfeit and pay a Penalty of Twenty Pounds; but if the whole of the Bills of Lading relating to the Goods exported in any Ship, and duly signed by the Master or his Agent, shall be delivered by him to the proper Officer of Customs either at or within Twenty-four Hours after the final Clearance outwards of such Ship, with a Declaration that they represent, to the best of his Knowledge and Belief, the whole of the Cargo exported in such Ship, the Delivery of the Manifest may be dispensed with; or in case such Manifest, if delivered, shall contain all the Information required to be given in the endorsed or separate Specification herein-before prescribed, with a Declaration at the Foot thereof, subscribed by the Master or his Agent that the same is true, such Manifest shall be accepted and taken by the proper Officer of the Customs in lieu of such Specification.

Customs Bill of Lading, &c. Evidence.

XXVII. In case the Customs Bill of Lading, the Endorsements thereon, Shipping Bill, Specifications relating thereto, or Manifests herein-before referred to, be required to be used as Evidence in any Court of Law, or in any Proceedings before Justices as to the Transactions to which they refer, Copies thereof, certified by the proper Officer of Customs, shall be admissible for that Purpose without Production of the Original; and any Person interested therein requiring Inspection or certified Copies thereof shall pay to such Officer the following Fees; that is to say, for every such Inspection the Sum of One Shilling, and for every certified Copy not exceeding One thousand and eighty Words and Figures the Sum of Two Shillings and Sixpence, and the like Sum for every additional One thousand and eighty Words and Figures; and such Fees shall be carried to Account with the Commissioners of Customs as Monies, not Duties.

Payment of Duty on Customs Bill of Lading to be by an adhesive Stamp.

XXVIII. The Payment of the Duty of One Shilling and Sixpence imposed by this Act upon every Customs Bill of Lading shall be denoted by an adhesive Stamp affixed thereto, of the Value of One Shilling and Sixpence, and for that Purpose such Stamps only as are provided and issued in pursuance of this Act shall be used, and shall be clear, unobliterated, and not have been used before.

Customs Bill of Lading to be valid if not stamped.

XXIX. No "Customs Bill of Lading" shall be valid without a Stamp of the Value of One Shilling and Sixpence thereon, nor shall any other Bill of Lading be valid without the Stamp of Sixpence thereon already imposed by Law; and any Person signing or using any Customs Bill of Lading or other Bill of Lading without the proper Stamp thereon shall forfeit and pay the Sum of Forty

Shillings

Shillings for every such Offence: Provided always, that the Forfeiture and Payment of the Penalty hereby imposed shall not exempt the Party liable thereto from any Penalties imposed by or for any Breach of the Laws in force relating to Stamps and Taxes involved therein.

Averments in Informations, &c.

XXX. In any Suit, Information, Complaint, or other Proceeding for the Recovery of any Penalty to which the Exporter or his Agent shall have rendered himself liable by the Non-delivery or Non-transmission to the proper Officer of the Port of Shipment within the Time prescribed, of the Specification herein-before required, either by due Endorsement thereof on the Customs Bill of Lading, or by separate Specification, the Averment that such Specification has not been duly endorsed on such Bill of Lading, or that such separate Specification, as the Case may be, has not been delivered to the proper Officer at the Port of Shipment, shall be sufficient, without other Proof of such Fact; provided that the Customs Bill of Lading, signed by such Exporter or his Agent, with a Certificate thereon under the Hand of such proper Officer, that such Specification had not been delivered to him within the Time prescribed for that Purpose, shall be produced to the Court or Justice before whom such Information or Proceeding may be had, by any Officer of Customs or Inland Revenue, or other Person duly authorized by the Commissioners of Customs to sue for said Penalty, and it shall not be necessary to adduce any Proof of the Handwriting of such Exporter or his Agent to such Bill of Lading, or of the Handwriting of such proper Officer to such Certificate, or of the Fact that he is the proper Officer, unless the Defendant in any such Case shall prove to the contrary.

Stamps to be provided by Inland Revenue.

XXXI. It shall be lawful for the Lords of the Treasury, by Warrant under their Hands, to order and direct the Commissioners of Inland Revenue from Time to Time to provide proper and sufficient Dies or other Implements for expressing and denoting the Rates or Duties which shall be directed by any such Warrant as aforesaid, and to give any other Orders and make any other Regulations relative thereto they may consider expedient.

Rates to be deemed Stamp Duties.

XXXII. The Rates or Duties which shall be expressed or denoted by any such Dies as aforesaid shall be denominated and deemed to be Stamp Duties, and shall be under the Care and Management of the Commissioners of Inland Revenue for the Time being; and all the Powers, Provisions, Clauses, Regulations, Directions, Allowances, Fines, Forfeitures, Pains, and Penalties contained in or imposed by the several Acts now in force relating to Stamp Duties (so far as the same

same may be applicable) shall be of full Force and Effect with respect to the Stamps to be provided under or by virtue of this Act, and to the Paper on which the same shall be impressed or to which the same shall be affixed, and shall be observed, applied, enforced, and put in execution for the raising, levying, collecting, and securing of the Rates or Duties denoted thereby, and for preventing, detecting, and punishing all Frauds, Forgeries, and other Offences relating thereto, as fully and effectually, to all Intents and Purposes, as if such Powers, Provisions, Clauses, Regulations, and Directions, Allowances, Fines, Forfeitures, Pains, and Penalties had been herein repeated and specially enacted with reference to the said last-mentioned Stamps or Rates or Duties respectively: Provided always, that, except as herein-after mentioned, no Allowance for Poundage or otherwise shall be granted to any Person in respect of any Stamps required by this Act, other than to Distributors of Stamps or other Persons appointed for that Purpose by the Commissioners of Inland Revenue or Customs, or Persons licensed to deal in Stamps under the Provisions of the Third and Fourth *William* the Fourth, Chapter Ninety-seven.

Customs Stamp Distributors to be appointed.

XXXIII. The Commissioners of Customs may appoint any Officers, Clerks, or other Persons in the Service of the Customs to act as Distributors of the Stamps required under this Act, subject to such Regulations and Directions as the said Commissioners shall see fit, and no such Officers, Clerks, or other Persons shall be required to take out any Licence to deal in or sell or distribute such Stamps.

Inland Revenue to account with Customs the Proceeds arising from Stamp Duties.

XXXIV. The Commissioners of Stamps and Taxes shall cause a separate Account to be kept of the Stamp Duties arising under this Act, and shall direct their Receiver General to pay over, from Time to Time, when required by the Commissioners of Customs, the Proceeds arising from the said Stamp Duties, after deducting therefrom the Costs and Expenses incurred by them in the Management and Distribution of such Stamps, or otherwise incident thereto, to the Account of the Public Monies of the Receiver General of Her Majesty's Customs at the Bank of *England*; and all such Sums of Money which shall be so paid over shall be applied and dealt with, under the Direction of the Commissioners of Customs, in the same Manner as Monies accruing from Duties of Customs paid over to such Account of the Receiver General of Customs under the Laws and Regulations relating to the Customs.

Allowance for Stamps spoiled, &c.

XXXV. The Commissioners of Customs may from Time to Time make Regulations for the Allowance of such of the Stamps issued under the Provisions of this Act as may have been spoiled or rendered useless or unfit for the Purpose intended, or for which the

Owner may have no Use, or which through Mistake or Inadvertence may have been improperly or unnecessarily used, or where the Rates or Duties represented thereby have been paid in Error or remitted, and such Allowance shall be made either by giving other Stamps in lieu of the Stamps so allowed for, or by repaying the Amount or Value to the Owner thereof.

Where Contracts entered into before 10th February 1860 Deduction to be made in respect of Duty.

XXXVI. And whereas Contracts may have been made before the said Tenth Day of *February* One thousand eight hundred and sixty for the Delivery free of Duty after that Day of Goods or Commodities the Duties of Customs on which are hereby lowered or repealed: Be it therefore enacted, That any Person who shall or may, before the said Tenth Day of *February* One thousand eight hundred and sixty, have made or entered into any such Contract or Agreement as the Purchaser or Consignee of such Goods or Commodities, may and is hereby authorized and empowered to deduct from the Sum payable by him under such Contract or Agreement the Amount of the Duties which, if this Act had not passed, would have been payable in respect of such Goods or Commodities, and he shall not be liable to pay or be sued in respect of such Deduction.

Commencement of Act.

XXXVII. This Act shall come into operation at the Expiration of Six Days from the Day of the passing thereof, except as otherwise provided therein; and in citing it in other Acts of Parliament and in legal Instruments it shall be sufficient to use the Expression "The Customs Tariff Amendment Act, 1860."

Short Title.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1860.

ANNO VICESIMO TERTIO,

VICTORIÆ REGINÆ.

***

Duties to be charged for Licences herein mentioned

and for the Use of Her Majesty, Her Heirs and Successors, for and upon the several Licences herein-after mentioned, the respective Rates and Duties following; that is to say,

	£	s.	d.
For every Licence to keep a Refreshment House—			
If the House and Premises in respect of which such Licence shall be granted shall be under the Rent and Value of 20*l.* a Year - - - -	0	10	6
And if the same shall be of the Rent or Value of 20*l.* a Year or upwards - - - -	1	1	0
And for every Licence to be granted as herein-after mentioned to any licensed Keeper of a Refreshment House to sell therein by Retail Foreign Wine to be consumed in such House or on the Premises belonging thereto—			
If such House and Premises shall be under the Rent and Value of 50*l.* a Year - - - -	3	3	0
And if the same shall be of the Rent or Value of 50*l.* a Year or upwards - - - -	5	5	0
And for every Licence to be taken out by any Person for the selling by Retail in any Shop of Foreign and British Wine not to be consumed in the House or Shop or on the Premises where sold—			
If the House and Premises shall be under the Rent and Value of 50*l.* a Year - - - -	2	2	0
And if the same shall be of the Rent or Value of 50*l.* a Year or upwards - - - -	3	3	0

Powers and Provisions of Excise Acts to apply to the Duties granted by this Act.

II. The Duties by this Act granted shall be deemed to be Excise Duties, and shall be under the Care and Management of the Commissioners of Inland Revenue for the Time being; and all Powers, Provisions, and Regulations, Penalties, and Forfeitures contained in or enacted by any Act in force in relation to Excise Duties, shall, in all Cases not herein expressly provided for, and so far as the same are not superseded by and are consistent with the express Provisions of this Act, be duly observed, applied, and put in execution for ascertaining the Rent or Value of any House or Premises in respect of which any Licence shall be applied for under this Act, and for charging, collecting, and securing the said Duties hereby granted, and otherwise relating thereto, as fully and effectually as if the same Powers, Provisions, and Regulations, Penalties and Forfeitures, were repeated and re-enacted in the Body of this Act with reference to such Rent or Value and to the said Duties hereby granted.

III. Every

Refreshment Houses and Wine Licences.

III. Every Person who shall keep a Shop for the Sale of any Goods or Commodities other than Foreign Wine, or who shall have taken out a Licence as a Dealer in Wine (except Persons expressly disqualified by this Act), shall, without producing or having any other Licence or Authority, be entitled to take out a Licence under this Act to sell by Retail, and in reputed Quart or Pint Bottles only, in such Shop Foreign Wine not to be consumed on the Premises where sold, anything in any former Act to the contrary notwithstanding.

Every Person keeping a Shop entitled to take out a Licence to retail Wine not to be consumed on the Premises.

IV. Every Sale of Foreign Wine in any less Quantity than Two Gallons, or in less than One Dozen reputed Quart Bottles, at One Time, shall be deemed to be a selling by Retail.

What shall be deemed selling by Retail.

V. If any Person licensed to sell Wine not to be consumed on the Premises shall, with Intent to evade the Provisions of this Act, take or carry, or authorize or employ or permit or suffer any Person to take or carry, any Wine out of or from the House, Shop, or Premises of such licensed Person, for the Purpose of being sold on his Account, or for his Benefit or Profit drunk or consumed, in any other House, or in any Tent, Shed, or other Premises of any kind whatever belonging to such licensed Person, or hired, used, or occupied by him, such Wine shall be deemed and taken to have been drunk or consumed upon the Premises; and the Person selling the same shall be subject to the like Penalties as if such Wine had been actually consumed in any House or upon any Premises licensed only for the Sale thereof as aforesaid.

Permitting drinking Wine in a neighbouring House, Shed, &c., with Intent to evade the Provisions of this Act, to be deemed drinking on the Premises, Penalty.

VI. All Houses, Rooms, Shops, or Buildings kept open for Public Refreshment, Resort, and Entertainment at any Time between the Hours of Nine of the Clock at Night and Five of the Clock of the following Morning, not being licensed for the Sale of Beer, Cider, Wine, or Spirits respectively, shall be deemed Refreshment Houses within this Act, and the Resident, Owner, Tenant, or Occupier thereof shall be required to take out a Licence under this Act to keep a Refreshment House; and every Person who shall keep any House, Room, Shop, or Building for the Purpose of selling therein any Victual or Refreshment to be consumed on the Premises where the same shall be sold (except Beer, Cider, Wine, and Spirits sold respectively under a proper Licence in that Behalf), and every Person who shall keep any House, Room, Shop, or Building for the Consumption therein by the Public of any Refreshment (except as aforesaid), although the same shall not be sold therein, may, if he shall think fit, take out a Licence under this Act to keep a Refreshment House; and in all Proceedings and upon all Occasions whatever it shall be sufficient to describe by the

Persons keeping Houses, &c. herein named required to take out Licences.

the Term Refreshment House any House, Room, Shop, or Building in which any such Article as aforesaid (except as aforesaid) is sold to be consumed, or is consumed as aforesaid, without further or otherwise designating or describing the same.

Confectioners and Eating-house Keepers entitled to take out Licences to sell Wine to be drunk on the Premises.

VII. Every Person who shall be licensed to keep a Refreshment House, and shall pursue therein the Trade or Business of a Confectioner, or shall keep open such House as an Eating-house, for the Purpose of selling, to be consumed therein, Animal Food or other Victuals wherewith Wine or other fermented Liquors are usually drunk, shall be entitled (subject to the Terms and Conditions of this Act, and not being expressly disqualified thereby,) to take out a Licence to sell Foreign Wine by Retail in such Refreshment House, to be consumed on the Premises where the same shall have been sold, without producing or having any other Licence or Authority than as aforesaid; and every Confectioner and Eating-house Keeper respectively who shall have taken out such Licence to retail Wine under this Act, shall not be subject or liable to any Penalty or Forfeiture under any other Act or Acts by reason or on account of his selling Wine by Retail, or having the same in his Possession in his entered Premises, anything in any other Act or Acts to the contrary notwithstanding.

Wine Licences not to be granted for Refreshment Houses under a certain Rent or annual Value.

VIII. Provided always, That no Licence to sell Foreign Wine by Retail to be consumed on the Premises shall be granted for any Refreshment House which, with the Premises belonging thereto and occupied therewith, shall be under the Rent and Value of Ten Pounds a Year, nor for any Refreshment House situated in any City, Borough, Town, or Place containing a Population exceeding Ten thousand according to the then last Parliamentary Census, if such Refreshment House, with the Premises belonging thereto and occupied therewith, shall be under the Rent and Value of Twenty Pounds a Year; and no Sheriff's Officer, or Officer executing the legal Process of any Court of Justice, shall be capable of receiving or using any Licence under this Act to sell Wine by Retail to be consumed on the Premises; and every Licence which shall be granted contrary hereto shall be void to all Intents and Purposes.

Persons disqualified to hold Wine Licences.

Penalty for keeping a Refreshment House without Licence, 20*l.*

IX. Every Person who shall keep a Refreshment House for which a Licence is required by this Act, without taking out and having in force a proper Licence in that Behalf granted to him under the Authority of this Act, shall forfeit a Sum not exceeding Twenty Pounds, which Penalty shall be recovered as herein-after directed.

X. All

Refreshment Houses and Wine Licences.

X. All Licences authorized to be granted under this Act shall be granted by and under the Hands of the Collector or other Person having charge of the Excise Collection, and the Supervisor of Excise of the District, within which respectively the Refreshment House or other House or Shop for or relating to which any such Licence shall be required, or by such other Person or Persons as the Commissioners of Inland Revenue shall appoint or authorize in that Behalf, on Payment of the Duty chargeable for such Licences respectively; and every such Licence shall be in the Form contained in the Schedule annexed to this Act: Provided always, that it shall be lawful for the Commissioners of Inland Revenue from Time to Time to make such Alterations therein as they may deem to be necessary, in consequence of any Alteration or Amendment of the Law, in order to make such Form of Licence conformable to the Law for the Time being.

By whom Licences under this Act shall be granted.

Forms of Licences as in Schedule to this Act.

XI. All Licences which shall be granted under the Authority of this Act between the Thirty-first Day of *March* and the First Day of *May* in any Year shall be dated on the First Day of *April*, and all Licences which shall be granted at any other Time shall be dated on the Day on which the same shall be granted; and all such Licences, whensoever granted, shall have Effect on and after the Day of the Date thereof until the First Day of *April* then next following, and shall be renewed annually on Payment of the Duty by this Act charged thereon respectively.

Licences: Date, Expiration, and Renewal thereof.

XII. Upon the Death of any Person licensed under this Act before the Expiration of the Licence, it shall be lawful for the Persons authorized to grant Licences to authorize and empower, by Endorsement or otherwise, as the Commissioners of Inland Revenue shall direct, the Executors or Administrators or the Widow or Child of such deceased Person who shall be possessed of and occupy the Dwelling House and Premises before used for such Purpose, to continue the Business for which such Licence was granted, and to sell in the same House and Premises such Articles as by the said Licence are authorized to be sold therein, during the Residue of the Term for which such Licence was originally granted, without taking out any fresh Licence or Payment of any additional Duty thereon, and the Person so authorized and empowered shall then be deemed to be a Person licensed under this Act, and accordingly subject to the Provisions, Conditions, Regulations, and Penalties contained therein.

On Death of a licensed Person, his Representative, or Widow or Child, may be authorized to continue the Business for which the Licence was granted, for the Remainder of the Term thereof.

XIII. If any Person licensed to keep a Refreshment House shall be desirous of selling Foreign Wine by Retail to be consumed therein, he shall previously to the granting to him for the First Time of a Licence for that Purpose fill up and sign a Requisition for such Licence

Notice of First Application for a Wine Licence for a Refreshment House to

be given to Justices, who may object to the granting thereof on Grounds to be stated.

Licence in such Form as the Commissioners of Inland Revenue shall provide in that Behalf, specifying therein the true Christian and Surname and Place or Places of Abode during the last Six Months of the Applicant, the Description and Situation of the House for which the Licence is required, and the true yearly Rent or annual Value thereof; and such Requisition shall be made in Duplicate, and delivered to the Supervisor of Excise for the District in which such Refreshment House is situated, who shall forthwith deliver or transmit by Post One of such Duplicates, together with a Notice to the Effect herein-after directed, to the Clerk of the Special Sessions in *London* at the Mansion House of the City of *London*, if the Refreshment House shall be situated within the said City, or the Liberties thereof, or to the Clerk to the Justices of the Court of Petty Sessions holden for the Division or Place within which such Refreshment House is situated, if situated elsewhere than as aforesaid; and every such Duplicate shall be accompanied by a Notice to the Lord Mayor of the City of *London*, and such Justices respectively, signed by the said Supervisor, to the Effect that a Licence to retail Wine will be granted, pursuant to such Requisition, on or immediately after a Day to be specified in such Notice, not less distant than Thirty Days from the Day of the Delivery or Transmission of the same, unless in the meantime Notice in Writing, signed by the said Lord Mayor, or by the Alderman of the Ward in which the Refreshment House is situated, or by the said Justices, or a Majority of them present in Petty Sessions, as the Case may be, shall be received by the said Supervisor, to the Effect that the said Lord Mayor, Alderman, or Justices, as the Case may be, doth or do object to the granting of the said Wine Licence, on One or more of the following Grounds, specifying the same, that is to say, that the House for which such Licence is required is not a Confectioner's Shop, or an Eating-house, within the Meaning of this Act, or not of the yearly Rental or annual Value required by this Act, or that it is a disorderly House, or a House frequented by Prostitutes or other disorderly Persons, or that it is adjudged disqualified for the Sale of Wine therein, or that the Applicant is disqualified from selling Wine under the Provisions of this Act, specifying the Grounds of such Disqualification respectively, or that the Applicant has within Three Years been convicted of any Offence punishable by Imprisonment, or that the Applicant having within Three Years held a Licence to keep a Beer-house, common Inn, Alehouse, or Victualling House, has forfeited or been refused a Renewal of such Licence; and if such Notice of Objection shall be received by the said Supervisor within the Time limited as aforesaid the said Licence shall not be granted; but if otherwise, and no such Caveat as herein-after mentioned be received by the said Supervisor, then such Licence shall be granted on Payment of

of the Duty by this Act charged thereon, provided the Applicant shall be entitled to such Licence under the Provisions of this Act in other respects: Provided always, that no such Notice of Objection shall be signed or sent by the said Lord Mayor, Alderman, or Justices until after they respectively shall have summoned the Applicant for such Licence to show Cause, and shall have heard him against the Objection to the granting thereof, or he shall have refused or neglected to attend before them respectively to show Cause, pursuant to their Summons; and every such Summons shall specify the Grounds of such Objection; and it shall be lawful for the said Lord Mayor, Alderman, and Justices respectively, pending their Decision upon any such Objection as aforesaid, and before the Expiration of the said Period of Thirty Days, to transmit to the said Supervisor a Notice by way of Caveat against the granting of such Licence, and in that Case the Licence shall not be granted if within the further Period of Thirty Days from the Receipt of such Caveat the Objection to the granting of the Licence shall be affirmed by the said Lord Mayor, Alderman, or Justices, and Notice thereof shall be given to the said Supervisor.

No Notice of Objection to be signed, &c. until the Applicant has been heard against the same.

XIV. Provided always, That every Person intending to apply for a Licence to be granted under the Authority of this Act to retail Wine to be consumed on the Premises in respect of any House, Room, Shop, or Building not theretofore licensed for the Consumption of Wine therein, shall affix or cause to be affixed a Notice on the Door of such House, Room, Shop, or Building, and on the Door of the Church or Chapel of the Parish or Place in which such House shall be situate, and, where there shall be no Church or Chapel, on some other public and conspicuous Place within such Parish or Place, on Three several *Sundays* previous to his Application for such Licence, at some Time between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon, and shall serve a Copy of such Notice upon One of the Overseers of the Poor, and upon One of the Constables or other Peace Officers of the said Parish or Place, Fourteen Days at the least previous to such Application; and every such Notice, and the Copies thereof, shall be written in a fair and legible Hand, or printed, and shall be signed by the Party intending to make such Application, or by his Agent thereunto authorized, and shall set forth the Situation of the House, Shop, or Building in a true and particular Manner, and the Christian and Surname of the Party applying, together with the Place of his Residence, and his Trade or Calling during the Six Months previous to the Time of serving such Notice, and his Intention to apply for a Licence to retail Wine to be consumed in such House or Premises.

Notice to be given of Application for Licence to retail Wine to be consumed on the Premises in a House not previously licensed.

XV. Pro-

Refreshment Houses and Wine Licences.

Justices may object to the Renewal of a Wine Licence if they shall see just Cause of Objection.

XV. Provided always, That it shall be lawful for the said Lord Mayor and Alderman, and for any Two Justices in Petty Sessions respectively, after any such Wine Licence shall have been granted for any Refreshment House within their respective Jurisdictions, but Three Months at least before the Expiration of such Licence, to give Notice to the Holder thereof to appear before them respectively, and show Cause why an Objection (stating the Grounds thereof) should not be lodged against a Renewal of his Licence; and if upon the Hearing the said Lord Mayor or Alderman, or the Justices present in Petty Sessions, or a Majority of them (as the Case may be), shall see just Cause of Objection on One or more of the Grounds mentioned in the preceding Clause, they shall give to the said Supervisor of the District within which the said Refreshment House shall be situated Notice of Objection against the Renewal of such Licence, and shall specify the Grounds of Objection in such Notice; and on the Expiration of such Wine Licence, after such Notice as aforesaid given to the Supervisor, no Renewal thereof shall be granted, unless the Decision of the said Lord Mayor or Alderman or Justices shall be reversed upon an Appeal against the same, as herein-after allowed; (that is to say): Provided always, that it shall be lawful for the Holder of the said Licence to appeal against the said Decision of the said Lord Mayor or Alderman or Justices to the next General or Quarter Sessions of the Peace which shall be holden for the City or County (as the Case may be) after the Expiration of Ten Days from the making of such Decision, upon giving Seven Days previous Notice in Writing to the said Lord Mayor or Alderman or Justices of his Intention so to appeal; and the said Court of Sessions shall hear and finally determine the said Appeal, and upon Notice of such Determination given to the said Supervisor, the said Licence shall be refused or granted conformably therewith.

A List of Licences to be kept by Collectors and Supervisors for Inspection of the Justices, and Copies of the List to be transmitted to the Justices Clerk.

XVI. A List or Register of every Licence granted under the Authority of this Act, specifying the Name and Place of Abode of every Person licensed, and the Name and Description of the House for which such Licence shall be granted, and whether the Licence shall be to keep a Refreshment House or for the Sale of Wine therein, shall be kept at the Office or Dwelling House of every Collector and Supervisor of Excise in their respective Collections and Districts; and such List or Register shall at all Times be produced to and shall be open to the Inspection and Perusal of any Justice of the County or Place where such Licence shall be granted and where such House shall be situate, and a Copy of such List and Register shall, once in every Six Months, be transmitted by every Collector and Supervisor of Excise to the Clerk of the Magistrates for the

the District in which such Licence shall be granted, and any Copy or Extract of or from such List or Register which shall be at any Time required by the Clerk to the said Justices shall be given to him by such Collector or Supervisor whenever thereto required.

In case of Complaint Licensed Retailers of Wine to produce their Licences on Requisition of Two Justices.

XVII. In case any Complaint shall be laid before Two Justices of the Peace against any Person licensed to sell Wine by Retail under the Authority of this Act, for any Offence against the Tenor of his Licence or against this Act, it shall be lawful for the said Two Justices (if they shall think fit) to require such Person to produce his Licence before them, for their Examination; and if such Person shall wilfully neglect or refuse so to do he shall forfeit and pay any Sum not exceeding Five Pounds, as the said Justices shall think proper.

Constables and Police Officers empowered to visit licensed Refreshment Houses.

Penalty for refusing them Admittance.

Licence to be forfeited on Second Conviction if Justices think fit.

XVIII. It shall be lawful for all Constables and Officers of Police, when and so often as they shall respectively think proper, to enter into all Houses licensed as Refreshment Houses under the Authority of this Act, and into and upon the Premises belonging thereto; and if any Person licensed to keep a Refreshment House, or any Servant or other Person in his Employ or by his Direction, shall refuse to admit or shall not admit any Constable or Officer of Police demanding Admittance into such Refreshment House or upon such Premises, the Person so licensed shall for the First Offence forfeit and pay any Sum not exceeding Five Pounds, together with the Costs of Conviction, to be recovered before One or more Justices of the Peace, on Information or Complaint made within Seven Days next after the Day on which such Offence was committed; and it shall be lawful for any Two or more Justices before whom any such Person shall be convicted for the Second Time of any such Offence to adjudge (if they shall so think fit) the Licence or Licences of such Offender in respect of such Refreshment House to be forfeited, and that he shall be disqualified from having any Licence granted to him under this Act in respect of such House for the Space of Two Years, or for such shorter Space of Time as they may think proper to adjudge.

Penalty for selling Wine by Retail without Licence.

XIX. Every Person who shall sell any Wine by Retail, whether to be consumed on the Premises or not, without having a proper Licence in force duly authorizing him in that Behalf, shall, over and above any other Penalty to which he may be liable, forfeit the Sum of Twenty Pounds, which shall be denominated an Excise Penalty.

Additional Penalty on unlicensed Persons selling Wine.

XX. If any Person, not being duly licensed to sell Wines, shall retail any Wine, either to be consumed in or upon the House or Premises or off the Premises where sold, or if any Person shall sell

 any

any Wine to be consumed in or upon the House or Premises where sold without being licensed so to do, such Person shall, in addition to any Excise Penalty to which he may thereby become subject, forfeit the Sum of Five Pounds.

What shall be deemed Foreign Wine, and what shall be deemed Spirits.

XXI. All Liquor which shall be sold or offered for Sale by any Person, whether licensed under this Act or not, as being Foreign Wine, or under the Name by which any Foreign Wine is usually designated or known, shall, as against the Person who shall so sell or offer the same for Sale, be deemed and taken to be Foreign Wine; and any fermented Liquor containing a greater Proportion than Forty *per Centum* of Proof Spirit shall be deemed and taken to be Spirits.

Licences to be void on Conviction of Felony or selling Spirits without Licence.

XXII. Every Person who shall be convicted of Felony or of selling Spirits without Licence shall for ever thereafter be disqualified from selling Wine by Retail, and no Licence to sell Wine by Retail under this Act shall be granted to any Person who shall have been so convicted as aforesaid; and if any Person shall, after having been so convicted as aforesaid, take out or have any Licence to sell Wine by Retail under this Act, the same shall be void to all Intents and Purposes; and every Person who shall, after being convicted as aforesaid, sell any Wine by Retail in any Manner whatsoever, shall incur the Penalty for so doing without Licence; and in all such Cases, in the Prosecution for the Recovery of such Penalty a Certificate from the Clerk of Assize or the Clerk of the Peace or Person acting as such of any such Conviction as aforesaid shall on the Trial in such Prosecution be legal Evidence thereof.

Licensed Retailers of Wine to make Entry of Houses, &c. with the Excise.

XXIII. Every Person licensed to retail Wine under this Act shall, in manner directed by the Laws of Excise in that Behalf, make Entry with the proper Officer of Excise of every House, Cellar, Room, and Place for storing, keeping, or retailing of Wine, on pain of forfeiting the Penalties imposed by the Statutes in that Behalf for making use of any unentered Room or Place; and all Wine found in any such unentered House, Cellar, Room, or Place shall be forfeited.

Excise Officers empowered to enter the Premises of licensed Retailers of Wine.

XXIV. It shall be lawful for any Officer of Excise, during the Hours in which any House licensed for the Retail of Wine to be consumed on the Premises may be kept open, to enter into every House, Cellar, Room, or Place entered for the storing, keeping, or retailing of Wine to be consumed as aforesaid, and to make search for and seize all Spirits which may be found in any such House, Cellar, Room, and Place, and to examine all Wine kept therein.

XXV. If

Refreshment Houses and Wine Licences.

XXV. If any Person licensed to retail Wine under this Act shall receive into or keep or have in his Possession, in any Cellar, Room, or Place entered for storing, keeping, or retailing Wine, any Spirits, he shall, in addition to all other Penalties, forfeit the Sum of Fifty Pounds, which shall be denominated an Excise Penalty; and all Spirits found in any such entered Cellar, Room, or Place shall be forfeited; and on Conviction of any such licensed Person in any Penalty for having Spirits in his Possession, or for selling or retailing Spirits, the Licence of such Person for retailing Wine shall become null and void, and shall be so adjudged.

Penalty on Persons licensed to retail Wine having Spirits in their entered Premises.

XXVI. Every Person licensed under this Act to sell Wine by Retail shall, if required, sell or otherwise dispose of all such Wine (except Wine in Bottle and Quantities less than Half a Pint) by the Gallon, Quart, Pint, or Half Pint Measure, sized or marked according to the Standard, and shall also, if required by any Guest or Customer purchasing such Wine, retail the same in a Vessel sized or marked according to such Standard; and in default thereof he shall for every such Offence forfeit the illegal Measure, and pay a Sum not exceeding Forty Shillings, together with the Costs of the Conviction, to be recovered by Information or Complaint made within Seven Days next after that on which the Offence was committed, before Two Justices of the Peace; and such Penalty shall be over and above all Penalties to which the Offender may be liable under any other Act.

Standard Measures to be used in the Sale of Wine.

XXVII. No Person licensed under this Act to sell Wine by Retail shall have or keep his House open for the Sale of Wine, nor shall sell any Wine, nor shall suffer any Wine to be drunk or consumed in or at such House at any Time before the Hour of Five of the Clock in the Morning, nor after Twelve of the Clock at Night, of any Day in the Week, in the Cities of *London* or *Westminster*, or within the Boundaries of any of the Boroughs of *Marylebone*, the *Tower Hamlets*, *Lambeth*, or *Southwark*, as defined by an Act passed in the Second and Third Years of King *William* the Fourth, Chapter Sixty-four; nor after Eleven of the Clock at Night within any Parish or Place within the Bills of Mortality, or within any City, Cinque Port, Town Corporate, Parish, or Place, the Population of which, according to the last Parliamentary Census, shall exceed Two thousand five hundred, or within One Mile, to be measured as aforesaid, from any Polling Place used at the last Election for any Town having a like Population, and returning a Member or Members to Parliament, nor after Ten of the Clock at Night elsewhere; nor shall any such House be open for the Sale or Consumption therein of any Article whatever at any Time during which the Houses of Licensed Victuallers now are or hereafter shall be closed on any *Sunday*, *Good Friday*,

Limitation of Hours for opening and closing Houses licensed for the Sale of Wine by Retail.

Friday, or *Christmas Day*, or any Day appointed for a Public Fast or Thanksgiving; nor at any Time between the Hours of One and Four of the Clock in the Morning on any Day whatever; and if any Person licensed as aforesaid shall keep his House open for selling or shall sell any Wine, or suffer any Wine to be drunk or consumed in or at such House, at any other Time than as herein-before prescribed and directed, or shall keep his House open as aforesaid, contrary to any Prohibition in this Clause contained, he shall forfeit the Sum of Forty Shillings for every Offence; and every separate Sale shall be deemed a separate Offence: Provided always, that nothing in this Clause contained shall extend to prevent the Keeper of a Refreshment House, being duly licensed to retail Wine, from selling to any Lodger therein any Wine at any Hour of the Day or Night, either on *Sunday* or any other Day.

Exception in favour of Lodgers.

Houses licensed for the Sale of Wine to be closed by Order of Justices in Cases of Riot, &c.

XXVIII. It shall be lawful for any Two Justices of the Peace acting for any County or Place where any Riot or Tumult shall happen or be expected to take place to order or direct that every Person licensed under the Authority of this Act to sell Wine by Retail in any House within their respective Jurisdiction, in or near the Place where such Riot or Tumult shall happen or be expected to take Place, shall close his House at any Time which the said Justices shall order or direct; and every such Person who shall keep open his House at or after any Hour at which such Justices shall have so ordered or directed such House to be closed shall be taken and deemed to have not maintained good Order and Rule therein, and to be guilty of an Offence against the Tenor of the Licence granted to him.

Penalty on Retailers of Wine permitting Drunkenness, &c. in their Houses:

XXIX. Every Person licensed under this Act to sell Wine by Retail who shall permit any Person to be guilty of Drunkenness or other disorderly Conduct in the House or Premises mentioned in such Licence, or who shall himself be guilty of any such disorderly Conduct, shall for every such Offence forfeit the respective Sums following; and every Person who shall transgress or neglect or shall be a Party in transgressing or neglecting the Conditions and Provisions specified in such Licence, or shall allow such Conditions or Provisions to be in any way transgressed or neglected in the said House or Premises, shall be deemed guilty of disorderly Conduct; and every Person so licensed who shall permit or be guilty of any such disorderly Conduct shall for the First Offence forfeit any such Sum, not less than Forty Shillings nor more than Five Pounds, as the Justices before whom he shall be convicted of such Offence shall adjudge, and for the Second Offence any Sum not less than Five Pounds nor more than Ten Pounds, and for the Third such Offence any Sum not less than Twenty Pounds

First Offence:

Second Offence:

Third Offence.

Pounds nor more than Fifty Pounds; and it shall be lawful for the Justices before whom any such Conviction for any such Second or Third Offence shall take place to adjudge, if they shall so think fit, that such Offender shall be disqualified from selling Wine by Retail for any Term not exceeding Five Years next ensuing such Conviction; and if any Person so licensed as aforesaid shall mix or cause to be mixed any Spirits or any Drugs or other pernicious Ingredients with any Wine sold in his House or Premises, or shall fraudulently dilute or in anyways adulterate any such Wine, or shall sell or offer for Sale any Wine which, to the Knowledge of such Person, has been so mixed, diluted, or adulterated, he shall for the First Offence forfeit any Sum not less than Ten Pounds nor more than Twenty Pounds, as the Justices before whom he shall be convicted of such Offence shall adjudge, and for the Second such Offence he shall be disqualified from selling Wine by Retail for the Term of Five Years, or forfeit any Sum of Money not less than Twenty Pounds nor more than Fifty Pounds, at the Discretion of the Justices before whom he shall be adjudged guilty of such Second Offence; and if any Offender convicted of such Second Offence as last aforesaid shall during such Term of Five Years sell any Wine by Retail, either in the House and Premises mentioned in his Licence or in any other Place, he shall forfeit any Sum not less than Twenty-five Pounds nor more than Fifty Pounds, and shall be subject to a like Penalty at any and every House or Place where he shall commit such Offence.

Penalty for mixing Spirits or Drugs in Wine or adulterating Wine:

First Offence:

Second Offence.

Penalty on selling Wine after Conviction of Second Offence.

XXX. All Penalties under this Act, except those denominated Excise Penalties, shall be recovered upon the Information or Complaint of a Constable or other Peace Officer before Two Justices acting in Petty Sessions, and shall be prosecuted and proceeded for within Three Calendar Months next after the Commission of the Offence in respect of which such Penalty shall be incurred, or within such shorter Time as may be herein limited with regard to any particular Penalty; and every Person licensed under this Act to retail Wine, to be consumed on the Premises, who shall be convicted before Two Justices so acting in and for the Division or Place in which shall be situate the House kept or theretofore kept by such Person, of any Offence against the Tenor of the Licence to him granted under this Act, or of any Offence for which any Penalty is imposed by this Act, shall, unless Proof be adduced to the Satisfaction of such Justices that such Person had been theretofore convicted within the Space of Twelve Calendar Months next preceding of some Offence against the Tenor of his Licence or against this Act, be adjudged to be guilty of a First Offence against the Provisions of this Act, and to forfeit and pay any Penalty by this Act imposed for such Offence, or if no specific Penalty be so imposed then any Sum not exceeding Five Pounds, together with

Penalties other than Excise Penalties recoverable before Two Justices in Petty Sessions, within Three Months after Offence committed.

with the Costs of the Conviction; and if such Proof as aforesaid shall be adduced that such Person had been previously convicted within the Space of Twelve Calendar Months next preceding of One such Offence only, such Person shall be adjudged to be guilty of a Second Offence against the Provisions of this Act, and to forfeit and pay any Penalty by this Act imposed for such Offence, or if no specific Penalty be so imposed then any Sum not exceeding Ten Pounds, together with the Costs of the Conviction; and if such Proof as aforesaid shall be adduced that such Person had been previously convicted within the Space of Eighteen Calendar Months next preceding of Two such separate Offences, and if Proof shall be adduced to the Satisfaction of the Justices that such Person so charged is guilty of the Offence charged against him, such Person shall be adjudged to be guilty of a Third Offence against the Provisions of this Act, and to forfeit any Penalty imposed by this Act in respect of such Offence, or if no such specific Penalty shall be so imposed then to forfeit and pay the Sum of Fifty Pounds, together with the Costs of the Conviction.

Second Offence.

Third Offence.

Justices may adjudge Premises disqualified for Sale of Wine on Proof that within Two Years last preceding such Third Conviction, Two Convictions have taken place.

XXXI. It shall be lawful for the Justices before whom any Person holding a Licence under this Act for the Sale of Wine by Retail shall be convicted of any Offence against the Tenor of the said Licence, or for which any Penalty is imposed by this Act, if Proof shall be adduced to their Satisfaction that within Two Years last preceding such Conviction Two Convictions for any such Offence of the same Person, or of any other Person licensed in respect of the same House or Premises, have taken place, to declare the Licence granted in respect of the said House or Premises forfeited and void, and to adjudge that no Licence for the Sale of Wine shall be granted to any Person whatever in respect of the said House or Premises for the Term of Three Years from the Date of such Adjudication, of which Adjudication the Justices shall give Notice to the Supervisor of Excise; and any Licence for the Sale of Wine that may be granted in respect of the said House or Premises during the said Term of Three Years shall be null and void.

Penalties for Offences in Refreshment Houses.

XXXII. Every Person licensed to keep a Refreshment House under this Act who shall (without a Licence for that Purpose) sell or permit or suffer to be sold within such Refreshment House any intoxicating Liquor, or shall knowingly suffer any unlawful Games or Gaming therein, or knowingly suffer Prostitutes, Thieves, or drunken and disorderly Persons to assemble at or continue in or upon his Premises, or do, suffer, or permit any Act in contravention of his Licence, shall, upon Conviction thereof before Two Justices, pay for the First Offence a Fine not exceeding Forty Shillings, for the Second Offence a Fine not exceeding Five Pounds, and for every subsequent

subsequent Offence a Fine not exceeding Twenty Pounds, or be subject to a Forfeiture of his Licence, at the Discretion of the Justices before whom he shall be convicted; and in case of such Forfeiture of his Licence, such Person shall be disqualified for the Space of One Year then next ensuing from obtaining a fresh Licence; and such fresh Licence, if obtained within the said Year, shall be absolutely null and void to all Intents and Purposes.

Power to Justices to mitigate Penalties.

XXXIII. It shall be lawful for the Justices before whom any Person shall be convicted of any Offence against this Act to mitigate, if they shall see Cause, any Penalty incurred for such Offence; provided that where any Conviction shall take place on any Information exhibited under the Laws of Excise such Penalty shall not be mitigated to any Sum less than One Fourth Part thereof.

Appeal to the Sessions against a Second or Third Conviction.

XXXIV. Provided always, That it shall be lawful for the Party convicted of any such Second or Third Offence to appeal to the General or Quarter Sessions of the Peace then next ensuing, unless such Sessions shall be held within Twelve Days next after such Conviction, and in that Case to the then next subsequent Sessions; and in such Case the Party so convicted shall, before the convicting Justices, forthwith enter into a Recognizance, with Two sufficient Sureties, personally to appear at such General or Quarter Sessions, and to abide the Judgment of the Court thereupon, and to pay such Costs as shall be by the Court awarded, which Recognizances such Justices are hereby authorized to require and take, or in failure of the Party convicted entering into such Recognizance the Conviction shall remain good and valid to all Intents and Purposes; and the said Justices who shall take such Recognizance from the Party convicted are also hereby required to bind the Person who shall make such Charge in a Recognizance to appear at such General or Quarter Sessions as aforesaid, then and there to give Evidence against the Person so charged, and in like Manner to bind any other Person who shall have any Knowledge of the Circumstances of such Offence; and it shall be lawful for such Court of General or Quarter Sessions to adjudge such Person to be guilty of any such Second or Third Offence against the Provisions of this Act, as the Case may be, and such Adjudication shall be final to all Intents and Purposes; and it shall be lawful for such Court of General or Quarter Sessions to punish such Offender by Fine not exceeding the Sum of One hundred Pounds, together with the Costs of such Appeal, or to adjudge the Licence granted to and held by or on behalf of such Offender to be forfeited and void, or to adjudge that no Wine shall be sold by Retail in the House or Premises mentioned in the Licence of such Offender for the Term of Two Years from the Date of such Adjudication, or to punish such Offender

Offender by such Fine as aforesaid, and to adjudge such Premises to be disqualified for the Sale of Wine as aforesaid, and such Licence to be forfeited and void, and if such Licence shall be adjudged to be forfeited and void, it shall thenceforth be void accordingly; and whenever in such Case or in any other Case the Licence of such Offender shall be adjudged to be void, such Offender shall from and after such Adjudication be deemed and taken to be incapable of selling Wine by Retail in any House kept by him for the Space of Two Years, to be computed from the Time of such Adjudication, and any Licence granted to such Person during such Term shall be void to all Intents and Purposes.

Court to adjudge Costs of Appeal in certain Cases.

XXXV. Whenever it shall happen that any Appeal in pursuance of this Act shall be dismissed, or that the Judgment appealed against shall be affirmed, or that such Appeal shall be abandoned, it shall be lawful for the Court to which such Appeal shall have been made or intended to have been made, and such Court is hereby required, to adjudge and order that the Party so having appealed, or having entered into such Recognizance, shall pay to the Justices against whose Judgment such Appeal shall have been made or intended to be made, or to whomsoever they shall appoint, such Sum by way of Costs as shall in the Opinion of such Court be sufficient to indemnify such Justices from all Costs and Charges whatsoever to which such Justices may have been put in consequence of the Intention or declared Intention of such Party to appeal; and if such Party shall refuse or neglect to pay forthwith such Sum, it shall be lawful for the said Court to adjudge and order that the Party so refusing or neglecting shall be committed to the Common Gaol or House of Correction, there to remain until such Sum be paid, or for any Time not exceeding Six Calendar Months, unless such Sum be sooner paid; and in every Case in which the Judgment so appealed against shall be reversed it shall be lawful for such Court (if it shall think fit) to adjudge and order that the Treasurer of the County or Place in and for which such Justices whose Judgment shall have been so reversed shall have acted on the Occasion when they shall have given such Judgment shall pay to such Justices, or to whomsoever they shall appoint, such Sum as shall in the Opinion of such Court be sufficient to indemnify such Justices from all Costs and Charges whatsoever to which they may have been so put; and the said Treasurer is hereby authorized to pay the same, which shall be allowed to him in his Accounts.

Proceedings on Appeal to be carried on by the Constable,

XXXVI. In every Case in which any Appeal shall be made by any Person convicted of any Offence under the Provisions of this Act to the General or Quarter Sessions it shall be lawful for the convicting Justices, if no other fit and proper Person shall appear to prosecute such

such Charge, and to carry on such Proceedings as may be necessary to obtain at such Session an Adjudication thereon, to order that a Constable of the City of *London* Police Force within the City of *London* and Liberties thereof, or a Constable of the Metropolitan Police Force within the Metropolitan Police District, or if elsewhere the Superintendent or Inspector of Police of the District, or the Constable or other Peace Officer of the Parish or Place in which the House kept by the Person charged shall be situate, as to the said Justices shall seem fit, shall carry on all Proceedings necessary to obtain such Adjudication as aforesaid, and to bind any such Constable, or the said Superintendent or Inspector of Police, or other Peace Officer, in a sufficient Recognizance so to do; and it shall be lawful for the Justices before whom such Offender shall have been convicted to order the Treasurer of the County or Place in and for which such Justices shall then act to pay to such Constable, Superintendent, Inspector, or other Peace Officer, and to the Witnesses on his Behalf, such Sum or Sums of Money as to the Court shall appear to be sufficient to reimburse them respectively the Expenses which they shall have been severally put to in and about such Prosecution, which Order the Clerk of the Peace is hereby directed and required forthwith to make out, and to deliver to such Constable, Superintendent, Inspector, or other Peace Officer and Witnesses respectively; and the said Treasurer is hereby authorized and required, upon Sight of such Order, forthwith to pay to the Person authorized to receive the same such Money as aforesaid, and the said Treasurer shall be allowed the same in his Accounts.

and the Expenses of Prosecution to be charged on County Rates.

XXXVII. It shall be lawful for the said Lord Mayor or Alderman, and for the Justices of the Peace before whom respectively any Question shall be depending touching any Objection against the granting or renewing of a Licence under the Provisions of this Act, to summon Witnesses on behalf of either Party to such Question, and to examine all such Witnesses on Oath, and to do and perform all Things necessary for the due and proper Hearing and Determination of such Question, and also to order Payment of Fees, Allowances, and reasonable Expenses to their Clerks, and to all Witnesses, Constables, and other Persons by whom any Duties shall have been performed or Expenses or Loss of Time incurred respectively under this Act; and the Amount of such Fees, Allowances, and Expenses shall be ascertained according to the Tables of Fees and Allowances for the Time being in force in the County, City, or Borough respectively within which the Refreshment House in question shall be situate; and the Order for Payment may be made at the Discretion of the said Lord Mayor, Alderman, or Justices, either wholly or partially, on the Applicant or on the Objector, or, if the Equity of the Case shall seem

Power to Lord Mayor, Alderman, or Justices of the Peace to summon Witnesses and examine them on Oath.

so to require, then on the Treasurer of the County, City, or Borough aforesaid, who shall be reimbursed out of the County or Borough Rate; and the Provisions of the Act passed in the Eleventh and Twelfth Years of the Reign of Her Majesty, Chapter Forty-three, for the Recovery of Costs ordered by Justices in Petty Sessions to be paid, shall apply to all Costs, Allowances, and Expenses ordered to be paid under this Act.

Penalty on Witnesses refusing to attend or to give Evidence.

XXXVIII. Any Person summoned as a Witness to give Evidence before the said Lord Mayor or Alderman, or any Justices or Sessions, touching any Matters arising under this Act, either on the Part of the Complainant or of the Person accused, or of any Person interested in any such Matter, who shall neglect or refuse to appear at the Time and Place for that Purpose appointed, and who shall not make such reasonable Excuse for such Neglect or Refusal as shall be admitted and allowed by such Lord Mayor or Alderman or Justices or Sessions, or who appearing shall refuse to be examined on Oath or Affirmation and give Evidence, shall, on Conviction, forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

Penalty for harbouring Constables while on Duty.

XXXIX. Every Person licensed to sell Wine, Spirits, Beer, Cider, or any other fermented or distilled Liquors by Retail, to be drunk or consumed on the Premises, who knowingly harbours or entertains, or suffers to remain in the Place wherein he carries on his Business, any Constable during any Part of the Time appointed for his being on Duty, unless for the Purpose of quelling any Disturbance or restoring Order, shall for every such Offence be liable to a Penalty not exceeding Twenty Shillings.

Penalty on Drunkards guilty of riotous or indecent Behaviour.

XL. Every Person found drunk in any Street or public Thoroughfare, and who while drunk is guilty of any riotous or indecent Behaviour, shall, upon summary Conviction of such Offence before Two Justices, be liable to a Penalty of not more than Forty Shillings for every such Offence, or may be committed, if the Justices or Magistrate before whom he is convicted think fit, instead of inflicting on him any pecuniary Penalty, to the House of Correction for any Time not more than Seven Days.

Penalty on drunken and disorderly Persons refusing to quit licensed Houses on Request.

XLI. Any Person who shall be drunk, riotous, quarrelsome, or disorderly in any Shop, House, Premises, or Place licensed for the Sale of Beer, Wine, or Spirituous Liquors by Retail to be consumed on the Premises, or for Refreshment, Resort, and Entertainment under the Provisions of this Act, and shall refuse or neglect to quit such Shop, House, Premises, or Place upon being requested so to do by the Manager or Occupier, or his Agent or Servant, or by any Constable,

Constable, shall, on Conviction thereof before One Justice, be liable to pay a Fine not exceeding Forty Shillings; and all Constables are hereby authorized, empowered, and required, on the Demand of such Manager, Occupier, Agent, or Servant, to assist in expelling such drunken, riotous, quarrelsome, and disorderly Persons from such Shops, Houses, Premises, and Places.

Constables to assist in expelling them if required.

XLII. And with regard to all Penalties incurred under this Act, except the Penalties herein denominated Excise Penalties, all the Provisions contained in the Act passed in the Eleventh and Twelfth Years of Her Majesty, Chapter Forty-three, relating to Proceedings for the Recovery of Penalties by summary Conviction, and to Appeals against such Convictions, and the levying and enforcing of Penalties, and the Costs of such Proceedings, shall be applied and put in force in relation to the Penalties by this Act imposed.

Provisions of 11 & 12 Vict. c. 43. to be applied in the Recovery of Penalties under this Act.

XLIII. The Penalties imposed by this Act denominated Excise Penalties shall be recovered, levied, mitigated, and applied by the same Ways, Means, and Methods, and in like Manner, as Penalties may be recovered, levied, mitigated, and applied under the Laws of Excise in that Behalf.

How Excise Penalties under this Act are to be recovered, &c.

XLIV. Provided always, That any Covenant or Clause of Restriction contained in any Lease or Contract between a Landlord and Tenant, whereby the Trade or Business of a Vintner is prohibited from being carried on in any House, Building, or Place mentioned or comprised in such Lease or Contract, or whereby any such House, Building, or Place is prohibited from being used as a Public House, shall be construed to apply and extend to every Person who shall be licensed to sell Wine to be consumed on the Premises under the Provisions of this Act, and to any House specified in the Licence granted to such Person.

Covenants against Houses, &c. being used as Public Houses to extend to Persons licensed to sell Wine under this Act.

XLV. Nothing in this Act contained shall extend to alter or in any Manner to affect any of the Rights or Privileges of the Universities of *Oxford* or *Cambridge*, or the Powers of the Chancellors or Vice-Chancellors of the same, as by Law possessed under the respective Charters of the said Universities or otherwise, or the Master, Wardens, Freemen, and Commonalty of the Vintners of the City of *London*, except as to those Freemen of the said Company of Vintners who have obtained the same by Redemption only, or the Mayor or Burgesses of the Borough of *St. Albans* in the County of *Hertford*, or their Successors.

Act not to affect the Two Universities, or the Vintners Company in London, or the Borough of St. Albans.

XLVI. This Act shall not extend to *Scotland* or *Ireland*.

Extent of Act.

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SCHEDULES.

No. 1.

Form of Licence to the Keeper of a Refreshment House.

We, the undersigned, being the Collector and Supervisor of Excise for the Collection of and District of , do hereby authorize and empower , now being a Householder, and dwelling in a House in , in the Parish of , within the Limits of the said Collection and District, to keep open the said House as a Refreshment House, and to sell any Victual or Refreshment to be consumed therein, and in the Premises thereunto belonging (provided that for the Sale of any exciseable Liquor he shall have in force a proper Licence granted to him in that Behalf), and for this Licence he hath paid the Sum of , the said House and Premises being of [*or* under, *as the Case may be*] the Value of Twenty Pounds a Year; and this Licence is granted upon Condition that the said do not wilfully or knowingly permit any Drunkenness, or any violent or quarrelsome or other disorderly Conduct, in his House or Premises, nor knowingly suffer any unlawful Games or any gaming whatsoever therein, nor knowingly suffer or permit Persons of known bad Character to assemble and meet together therein, but do maintain good Order and Rule therein: And this Licence shall continue in force from the Day of until the First Day of April next ensuing, and no longer; and this Licence shall cease and determine, and shall become void, in case any of the Conditions or Regulations contained therein shall be transgressed or shall not be observed by the said

Given under our Hands, this Day of 186 .

, Collector.

, Supervisor.

No. 2.

Form of Licence to the Keeper of a Refreshment House to sell therein Wine by Retail to be consumed on the Premises.

We, the undersigned, being the Collector and Supervisor of Excise for the Collection of and District of , do hereby

hereby authorize and empower , now being a Householder, and dwelling in a House in , in the Parish of , within the Limits of the said Collection and District, for which he has taken out a Licence as a Refreshment House, to sell therein Foreign Wine by Retail, in order that it may be consumed in the said Refreshment House and in the Premises thereunto belonging, and for this Licence he hath paid the Sum of , the said House and Premises being of [*or* under, *as the Case may be*] the Value of Fifty Pounds a Year: And this Licence is granted upon Condition that the said do not mix or cause to be mixed any Spirits, or any Drugs or other pernicious Ingredients in any Wine sold in his said House and Premises, nor fraudulently dilute, or in anyways adulterate any such Wine, nor sell or offer for Sale any Wine which to his Knowledge has been so mixed, diluted, or adulterated; nor use in selling any Wine any Measures which are not of the legal Standard; nor wilfully or knowingly permit any Drunkenness, or any violent or quarrelsome or other disorderly Conduct, in his House or Premises; nor knowingly suffer any unlawful Games or any gaming whatsoever therein, nor knowingly suffer or permit Persons of known bad Character to assemble and meet together therein, but do maintain good Order and Rule therein; nor have or keep his House or Premises open for the Sale of any Victual, Refreshment, or Wine, nor sell any Victual, Refreshment, or Wine, nor suffer the same to be consumed or drunk in or at such House or Premises, at any Time before the Hour of Four o'Clock in the Morning nor after any Hour of the Clock at Night prohibited by the Act 23d. Victoria, Cap. [*this Act*], nor have or keep his House or Premises open for the Sale or Consumption therein of any Article whatever at any Time during which the Houses of Licensed Victuallers are required by Law to be closed on any Sunday, Christmas Day, or Good Friday, or any Day appointed for a Public Fast or Thanksgiving, except to a Lodger therein; and this Licence shall continue in force from the Day of until the First Day of April next ensuing, and no longer: Provided and upon Condition that the said shall not in the meantime become a Sheriff's Officer, or Officer for executing the Process of any Court of Justice; and this Licence shall cease and determine and shall become void in case any of the Conditions or Regulations contained therein shall be transgressed or shall not be observed by the said .

Given under our Hands, this Day of 186 .

, Collector.

, Supervisor.

No.

No. 3.

Form of Licence to sell Wine by Retail, not to be consumed on the Premises.

We, the undersigned, being the Collector and Supervisor of Excise for the Collection of and District of , do hereby authorize and empower , now keeping a Shop for the Sale of Goods and Commodities at , in the Parish of , within the Limits of the said Collection and District, to sell therein Foreign and British Wine by Retail, and in reputed Quart or Pint Bottles only, and not to be consumed in the House or Shop or on the said Premises where sold, and for this Licence he hath paid the Sum of , the House and Premises being of [*or* under, *as the Case may be*] the Value of Fifty Pounds a Year; and this Licence is granted upon Condition that the said do not mix or cause to be mixed any Spirits or any Drugs or other pernicious Ingredients in any Wine sold in his Shop or Premises, nor fraudulently dilute or in anyways adulterate any such Wine, nor sell or offer for Sale any Wine which to his Knowledge has been so mixed, diluted, or adulterated; and this Licence shall continue in force from the Day of until the First Day of April next ensuing, and no longer.

Given under our Hands, this Day of 186 .

, Collector.

, Supervisor.

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any open Walk or Footpath, or placing convenient Seats, or Shelters from Rain, and for other Purposes of a similar Nature.

Adoption of Act, according to 9 & 10 Vict. c. 74.

II. This Act may be adopted for any Borough, or for any Parish having a Population of Five hundred or upwards, (according to the last Account for the Time taken by Authority of Parliament,) in the same Manner as the Act of the Ninth and Tenth *Victoria*, Chapter Seventy-four, may be adopted in such Borough or Parish.

As to Public Baths and Wash-houses.

III. Where the Act is adopted in a Borough or in such a Parish, the Provisions of the Act of the Ninth and Tenth *Victoria*, Chapter Seventy-four, for the Purposes below specified applicable in the like Cases where that Act is adopted, shall take effect for the Purposes of this Act, viz.: All the Provisions concerning

1. The Authority by which and the Manner in which the Act is to be carried into execution:
2. The Mode of providing the Expenses of carrying the Act into execution (excluding the Provisions for borrowing Money for such Expenses):
3. The Appointment (in the Case of a Parish) of Commissioners, the Tenure of Office and Procedure, and the Audit of their Accounts:
4. The Powers of the Councils and Commissioners for the Purposes of the Act (except the Powers of borrowing Money).

Ratepayers, after Notice given, to rate Parishes.

IV. After the Adoption of this Act it shall be lawful for the Ratepayers in Meeting assembled to rate such Parish to a separate Rate, to be called the " Parish Improvement Rate;" provided that such Rate be agreed to by a Majority of at least Two Thirds in Value of the Ratepayers assembled at such Meeting.

Corporate Bodies may attend and vote.

V. Corporate Bodies shall be allowed to attend Meetings to be held as aforesaid and to vote thereat by some Person to be deputed by them for that Purpose under their Corporate Seal.

One Half of the estimated Cost to be raised by private Subscription.

VI. Provided always, That previous to any such Rate being imposed a Sum in Amount not less than at least One Half of the estimated Cost of such proposed Improvement shall have been raised, given, or collected by private Subscription or Donation.

Amount of Rate.

VII. Such Rate shall not exceed Sixpence in the Pound.

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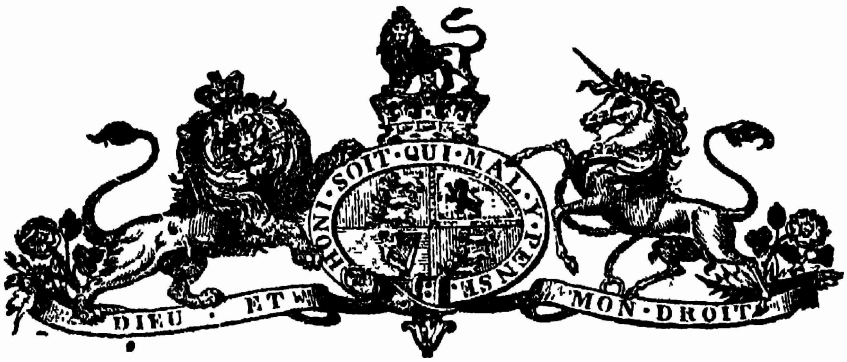

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Provision in recited Act restraining Bank of Ireland from lending Money on Mortgage, repealed.

I. The said recited Provision of the said Act of the Parliament of *Ireland* of the Twenty-first and Twenty-second Years of King *George* the Third shall be repealed; and it shall be lawful for the said Corporation, or any Person or Persons on their Behalf, to lend or advance any Sum or Sums of Money to be secured by Mortgage or Sale of Lands, Tenements, or Hereditaments redeemable, if the said Corporation shall so think fit.

Recited Act and this Act to be read as One Act.

II. So much of the said recited Act as remains unrepealed, and this Act, shall be read and construed together as One Act.

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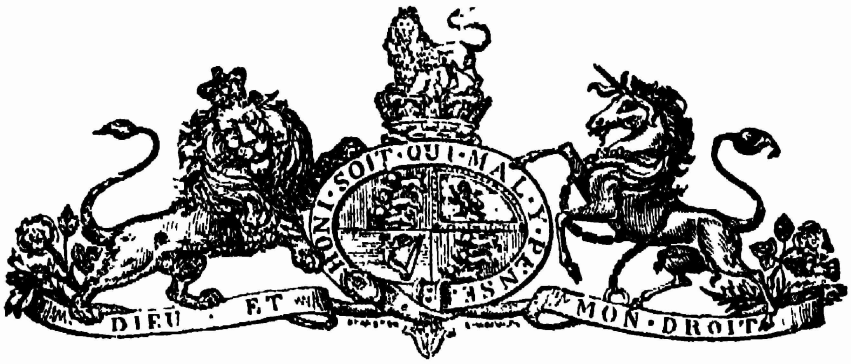

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Persons in Custody for Defamation &c. under Order of Ecclesiastical Courts to be discharged.

any Writ De contumace capiendo, issued in consequence of any Proceedings before any Ecclesiastical Court in any Cause or Suit for Defamation of Character, or where such Person is not in Holy Orders for Brawling, the Judge of the Ecclesiastical Court before whom such Proceedings shall have been had shall make an Order upon the Officer in whose Custody such Person shall be at any Time hereafter for discharging such Person out of Custody, and such Officer shall on the Receipt of such Order forthwith discharge such Person; and it shall not be necessary for such Person to take any Oath of future Obedience to his or her Ordinary: Provided always, that such Order shall not be made unless the Costs lawfully incurred in any such Suit shall have been previously paid into the Registry of such Ecclesiastical Court; provided further, that where any such Suit for Brawling or Defamation has been commenced before the passing of this Act, and final Judgment has not been given thereupon, or where final Judgment has been given, but the Defendant has not been taken under a Writ De contumace capiendo pursuant to such Judgment, the Court, upon Payment by the Defendant of the Costs of Suit incurred by the Promoter of the Office of the Judge to the Time of the passing of this Act, shall stay all further Proceedings therein.

Order for Discharge not to be made until Costs lawfully incurred are paid.

Penalty on Persons found guilty of making a Disturbance in Churches, Chapels, Churchyards, or Burial Grounds.

18 & 19 Vict. c. 81.

II. Any Person who shall be guilty of riotous, violent, or indecent Behaviour, in *England* or *Ireland* in any Cathedral Church, Parish or District Church or Chapel of the Church of *England* and *Ireland*, or in any Chapel of any Religious Denomination, or in *England* in any Place of Religious Worship duly certified under the Provisions of the Eighty-first Chapter of the Statute passed in the Session of Parliament of the Eighteenth and Nineteenth Years of the Reign of Her present Majesty, intituled *An Act to amend the Law concerning the certifying and registering of Places of Religious Worship in* England, whether during the Celebration of Divine Service or at any other Time, or in any Churchyard or Burial Ground, or who shall molest, let, disturb, vex, or trouble, or by any other unlawful Means disquiet or misuse any Preacher duly authorized to preach therein, or any Clergyman in Holy Orders ministering or celebrating any Sacrament, or any Divine Service, Rite, or Office, in any Cathedral, Church, or Chapel, or in any Churchyard or Burial Ground, shall on Conviction thereof before Two Justices of the Peace be liable to a Penalty of not more than Five Pounds for every such Offence, or may, if the Justices before whom he shall be convicted think fit, instead of being subjected to any pecuniary Penalty, be committed to Prison for any Time not exceeding Two Months.

III. Every

III. Every such Offender in the Premises after the said Misdemeanor so committed immediately and forthwith may be apprehended and taken by any Constable or Churchwarden of the Parish or Place where the said Offence shall be committed, and taken before a Justice of the Peace of the County or Place where the said Offence shall have been so committed, to be dealt with according to Law.

Offenders may be, immediately after Offence committed, apprehended, &c.

IV. Any Person convicted as aforesaid who shall think himself aggrieved by such Conviction may forthwith appeal to the next Court of General or Quarter Sessions which shall be holden not less than Twelve Days after the Day of such Conviction for the County, Riding, Division, City, or Borough wherein the Cause of Complaint shall have arisen; provided such Person shall enter into a Recognizance with Two sufficient Sureties before the convicting Justices, conditioned personally to appear at the said Sessions and to try such Appeal, and to abide the Judgment of the Court thereupon, and to pay such Costs as shall be by the Court awarded; and upon such Recognizance being entered into, the Justices shall liberate such Person, and the Court at such Sessions shall hear and determine the Matter of the Appeal, and shall make such Order therein, with or without Costs to either Party, as to the Court shall seem meet; and in case of the Dismissal of the Appeal or the Affirmance of the Conviction, shall order and adjudge the Offender to be punished according to the Conviction, and to pay such Costs as shall be awarded, and shall, if necessary, issue Process for enforcing such Judgment.

Persons aggrieved may appeal against Conviction.

V. The Act Chapter Four of the Statute passed in the Session of Parliament of the Fifth and Sixth Years of the Reign of *Edward* the Sixth is hereby repealed, so far as relates to Persons not in Holy Orders.

Chapter 4. of Statute 5 & 6 Edw. 6. repealed.

VI. Nothing herein-before contained shall be taken to repeal or alter the Statute passed in the Second Session of the First Year of the Reign of Queen *Mary*, Chapter Three; or the Statute passed in the First Year of the Reign of Queen *Elizabeth*, Chapter Two; or the Eighteenth Section of the Statute passed in the First Year of the Reign of King *William* and Queen *Mary*, Chapter Eighteen.

Act not to affect Statutes of 1 Mar. Sess. 2. c. 3., 1 Eliz. c. 2., or Sect. 18. of 1 W. & M c. 18.

VII. Provided also, That nothing herein contained shall limit, restrain, or abolish the Power possessed by the Ordinary over the Fabric of any Church or over the Churchyard or Burial Ground connected therewith.

Nothing to limit Power of Ordinary over Fabric of Churches, &c.

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Ireland, the said Court in either Division thereof or the Lord Ordinary, after such Inquiry as to them shall seem fit, may recal the Sequestration.

Discharge of Bankrupt may in certain Cases be refused, although no Opposition be made by Creditors.

III. The said Court, in either Division thereof, or the Lord Ordinary, or the Sheriff, may refuse the Application for the Discharge of any Bankrupt, although Two Years have elapsed from the Date of the Sequestration, and although no Appearance or Opposition shall be made by or on the Part of any of the Creditors, if it shall appear from the Report of the Accountant in Bankruptcy or other sufficient Evidence that the Bankrupt has fraudulently concealed any Part of his Estate or Effects, or has wilfully failed to comply with any of the Provisions of "The Bankruptcy (*Scotland*) Act, 1856."

Interlocutors of Lord Ordinary or Sheriff subject to Review.

IV. All Interlocutors pronounced by the Lord Ordinary or the Sheriff under the Provisions of this Act shall be subject to the Review of the said Court of Session.

"Gazette" in said Act to mean Edinburgh Gazette.

V. To remove Doubts which have arisen, it is declared that the Word "Gazette" in the Sixty-seventh Section of the said Act shall be held to mean the "*Edinburgh Gazette*"; and the Provisions contained in the said Act relative to Deeds of Arrangement shall extend to and include Settlements or Arrangements by way of Composition.

Fee to Sheriff abolished.

VI. The Fee provided to be paid to the Sheriff under Schedule I. of the said Act is hereby abolished; but no Claim shall exist in respect of any such Fee which shall have been paid prior to the passing of this Act.

Fee payable to Sheriff for Attendances, &c.

VII. For attending any Meeting of Creditors or Examination a Fee of One Pound One Shilling shall be payable to the Sheriff for each such Meeting or Diet of Examination not being on the same Day.

Recited Act to remain in force.

VIII. "The Bankruptcy (*Scotland*) Act, 1856," except in so far as altered by this Act, shall be and remain in full Force and Effect, and shall be construed with this Act; and Words interpreted in the said Act shall when used in this Act have the same Meanings as are assigned to them respectively by the said Act.

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the Petition as in Schedule No. 1.

and Surname and usual Place of Abode of the Suppliant and of his Attorney, if any, by whom the same shall be presented, and shall set forth with convenient Certainty the Facts entitling the Suppliant to Relief, and shall be signed by such Suppliant, his Counsel or Attorney.

Petition to be left with the Secretary of State for the Home Department for Her Majesty's Fiat.

II. The said Petition shall be left with the Secretary of State for the Home Department, in order that the same may be submitted to Her Majesty for Her Majesty's gracious Consideration, and in order that Her Majesty, if She shall think fit, may grant Her Fiat that Right be done, and no Fee or Sum of Money shall be payable by the Suppliant on so leaving such Petition, or upon his receiving back the same.

Upon Fiat being obtained, Petition, &c. to be left at Office of Solicitor of the Treasury endorsed as in Schedule No. 2.

III. Upon Her Majesty's Fiat being obtained to such Petition, a Copy of such Petition and Fiat shall be left at the Office of the Solicitor to the Treasury, with an Endorsement thereon in the Form or to the Effect in the Schedule (No. 2.) to this Act annexed, praying for a Plea or Answer on behalf of Her Majesty within Twenty-eight Days, and it shall thereupon be the Duty of the said Solicitor to transmit such Petition to the particular Department to which the Subject Matter of such Petition may relate, and the same shall be prosecuted in the Court in which the same shall be intituled, or in such other Court as the Lord Chancellor may direct.

Time for answering by the Crown.

IV. The Time for answering, pleading, or demurring to such Petition, on behalf of Her Majesty, shall be the said Period of Twenty-eight Days after the same, with such Prayer of a Plea or Answer as aforesaid, shall have been left at the Office of the Solicitor to the Treasury, or such further Time as shall be allowed by the Court or a Judge: Provided always, that it shall be lawful for the Lord Chancellor, on the Application of the Attorney General or of the Suppliant, to change the Court in which such Petition shall be prosecuted, or the Venue for the Trial of the same.

Power to change the Court or Venue.

Time for answering by other Persons, Parties to the Petition.

V. In case any such Petition of Right shall be presented for the Recovery of any Real or Personal Property, or any Right in or to the same, which shall have been granted away or disposed of by or on behalf of Her Majesty or Her Predecessors, a Copy of such Petition, Allowance, and Fiat shall be served upon or left at the last or usual or last known Place of Abode of the Person in the Possession, Occupation, or Enjoyment of such Property or Right, endorsed with a Notice in the Form set forth in the Schedule (No. 3.), requiring such Person to appear thereto within Eight Days, and to plead or answer thereto in the Court in which the same shall be prosecuted within Fourteen Days after the same shall have been so served or left as aforesaid; and it shall not be necessary to issue any Scire facias or other Process to such Person for the Purpose of requiring him to appear and plead or answer to such Petition, but he shall within

within the Time so limited, if it be intended by him to contest such Petition, enter an Appearance to the same in the Form set forth in Schedule (No. 4.) to this Act annexed, or to the like Effect, and shall plead, answer, or demur to the said Petition within the Time specified in such Notice, or such further Time as shall be allowed by the Court or a Judge.

The Answer or Plea to such Petition.

VI. Such Petition may be answered by way of Answer, Plea, or Demurrer in a Court of Equity, or in a Court of Common Law by way of Plea or Demurrer, or by both Pleas and Demurrer, by or in the Name of Her Majesty's Attorney General on behalf of Her Majesty, and by or on behalf of any other Person who may in pursuance hereof be called upon to plead or answer thereto, in the same Manner as if such Petition in a Court of Equity were a Bill filed therein, or if the Petition be prosecuted in a Court of Common Law as if the same were a Declaration in a Personal Action, and without the Necessity for any Inquisition finding the Truth of such Petition or the Right of the Suppliant, and such and the same Matter as would be sufficient Ground of Answer or Defence in point of Law or Fact to such Petition on the Behalf of Her Majesty may be alleged on behalf of any such other Person as aforesaid called on to plead or answer thereto.

The Practice and Course of Procedure in Action and Suit between Subject and Subject shall extend to Petitions of Right, so far as applicable.

VII. So far as the same may be applicable, and except in so far as may be inconsistent with this Act, the Laws and Statutes in force as to Pleading, Evidence, Hearing, and Trial, Security for Costs, Amendment, Arbitration, Special Cases, the Means of procuring and taking Evidence, Set-off, Appeal, and Proceedings in Error in Suits in Equity, and Personal Actions between Subject and Subject, and the Practice and Course of Procedure of the said Courts of Law and Equity respectively for the Time being in reference to such Suits and Personal Actions, shall, unless the Court in which the Petition is prosecuted shall otherwise order, be applicable and apply and extend to such Petition of Right: Provided always, that nothing in this Statute shall be construed to give to the Subject any Remedy against the Crown in any Case in which he would not have been entitled to such Remedy before the passing of this Act.

Decrees or Judgments by Default.

VIII. In case of a Failure on the Behalf of Her Majesty, or of any such other Person as aforesaid called upon to answer or plead to such Petition, to plead, answer, or demur in due Time, either to such Petition or at any subsequent Stage of the Proceedings thereon, the Suppliant shall be at liberty to apply to the Court or a Judge for an Order that the Petition may be taken as confessed; and it shall be lawful for such Court or Judge, on being satisfied that there has been such Failure to plead, answer, or demur in due Time, to order that such

such Petition may be taken as confessed as against Her Majesty or such other Party so making default; and in case of Default on the Behalf of Her Majesty and any other such Person (if any) called upon as aforesaid to answer or plead thereto, a Decree may be made by the Court, or Leave may be given by the Court, on the Application of the Suppliant, to sign Judgment in favour of the Suppliant: Provided always, that such Decree or Judgment may afterwards be set aside by such Court or a Judge, in their or his Discretion, on such Terms as to them or him shall seem fit.

Form of Judgment or Decree.

IX. Upon every such Petition of Right the Decree or Judgment of the Court, whether given upon Demurrer upon the Pleadings or upon a Default to answer or plead in Time, or after Hearing or Verdict, or in Error, shall be that the Suppliant is or is not entitled either to the whole or to some Portion of the Relief sought by his Petition, or such other Relief as the Court may think right, and such Court may give a Decree or Judgment that the Suppliant is entitled to such Relief, and upon such Terms and Conditions (if any) as such Court shall think just.

Effect of Judgment of Amoveas manus.

X. In all Cases in which the Judgment commonly called a Judgment of Amoveas manus has heretofore been pronounced or given upon a Petition of Right, a Judgment that the Suppliant is entitled to Relief as herein-before provided shall be of such and the same Effect as such Judgment of Amoveas manus.

Costs recoverable by the Crown and any other Person Party to the Petition.

XI. Upon any such Petition of Right the Attorney General or other Person appearing on behalf of Her Majesty, and every such other Person as aforesaid who shall appear and plead or answer to such Petition, shall be entitled respectively to recover Costs against the Suppliant, in the same Manner, and subject to the same Restrictions and Discretion, and under the same Rules, Regulations, and Provisions, so far as they are applicable, as are or may be usually adopted or in force touching the Payment or Receipt of Costs in Proceedings between Subject and Subject, and for the Recovery of such Costs such and the same Remedies and Writs of Execution as are authorized for enforcing Payment of Costs upon Judgments in Personal Actions or Decrees, Rules or Orders, shall and may be prosecuted, sued out, and executed respectively by or on behalf of Her Majesty and of such other Person as aforesaid as shall appear and plead to such Petition, and any Costs recovered on behalf of Her Majesty shall be paid into the Exchequer, and shall become Part of the Consolidated Fund, except where such Petition shall be defended on behalf of Her Majesty in her private Capacity, in which Case such Costs shall be paid to the Treasurer of Her Majesty's Household, or such other Person as Her Majesty shall appoint to receive the same.

XII. Upon

Petitions of Right.

XII. Upon any such Petition of Right the Suppliant shall be entitled to Costs against Her Majesty, and also against any other Person appearing or pleading or answering to any such Petition of Right, in like Manner, and subject to the same Rules, Regulations, and Provisions, Restrictions, and Discretion, as far as they are applicable, as are or may be usually adopted or in force touching the Right to recover Costs in Proceedings between Subject and Subject; and for the Recovery of any such Costs from any such Person, other than Her Majesty, appearing or pleading or answering in pursuance hereof, to any such Petition of Right, such and the same Remedies and Writs of Execution as are authorized for enforcing Payment of Costs upon Rules, Orders, Decrees, or Judgments in Personal Actions between Subject and Subject shall and may be prosecuted, sued out, and executed on behalf of such Suppliant.

The Suppliant to be entitled to Costs against the Crown and other Parties to the Proceedings.

XIII. Whenever, upon any such Petition of Right, a Judgment, Order, or Decree shall be given or made that the Suppliant is entitled to Relief, and there shall be no Rehearing, Appeal, or Writ of Error, or in case of an Appeal or Proceedings in Error a Judgment, Order, or Decree shall have been affirmed, given, or made that the Suppliant is entitled to Relief, or upon any Rule or Order being made entitling the Suppliant to Costs, any One of the Judges of the Court in which such Petition shall have been prosecuted shall and may, upon Application in behalf of the Suppliant, after the Lapse of Fourteen Days from the making, giving, or affirming of such Judgment or Decree, Rule, or Order, certify to the Commissioners of Her Majesty's Treasury, or to the Treasurer of Her Majesty's Household, as the Case may require, the Tenor and Purport of the same, in the Form in the Schedule (No. 5.) to this Act annexed, or to the like Effect; and such Certificate may be sent to or left at the Office of the Commissioners of Her Majesty's Treasury, or of the Treasurer of Her Majesty's Household, as the Case may be.

Decree or Judgment in favour of the Suppliant to be certified to the Treasury or the Treasurer of the Household in Form of Schedule No. 5.

XIV. It shall be lawful for the Commissioners of Her Majesty's Treasury and they are hereby required to pay the Amount of any Moneys and Costs as to which a Judgment or Decree, Rule, or Order shall be given or made that the Suppliant in any such Petition of Right is entitled, and of which Judgment or Decree, Rule, or Order the Tenor and Purport shall have been so certified to them as aforesaid, out of any Moneys in their Hands for the Time being legally applicable thereto, or which may be hereafter voted by Parliament for that Purpose, provided such Petition shall relate to any public Matter; and in case the same shall relate to any private Property of or enjoyed by Her Majesty, or any Contract or Engagement made by or on behalf of Her Majesty, or any Matter affecting Her Majesty in Her private Capacity, a Certificate in

Satisfaction of the Judgment and Costs.

in the Form aforesaid may be sent to or left at the Office of the Treasurer of Her Majesty's Household, or such other Person as Her Majesty shall from Time to Time appoint to receive the same, and the Amount to which the Suppliant is entitled shall be paid to him out of such Funds or Moneys as Her Majesty shall be graciously pleased to direct to be applied for that Purpose.

Power to Judges to make Rules and Regulations, &c.

XV. It shall be lawful for the Judges of the said Courts of Law and Equity respectively, or any Three or more of the Judges of the Court of Chancery, of whom the Lord Chancellor shall be One, and for any Eight or more of the Judges of the Courts of Common Law, of whom the Chiefs of each of the said Courts shall be Three, from Time to Time to make all such General Rules and Orders in their said respective Courts of Law and Equity, for regulating the Pleading and Practice on such Petitions of Right, and for the effectual Execution of this Act and of the Intention and Object hereof, and for fixing the Costs to be allowed for and in respect of the several Matters herein contained, and the Performance thereof, and for the Government and Conduct of the Officers of their respective Courts in and relating to the Distribution and Performance of the Duties and Business to be done or performed in Execution of this Act, as such Judges may think fit, reasonable, necessary, or proper, and to frame such Writs and Forms of Proceedings as to them may seem expedient for the Purposes aforesaid; and all such Rules, Orders, or Regulations shall be laid before both Houses of Parliament, if Parliament be then sitting, immediately upon the making of the same, or if Parliament be not sitting then within Five Days after the next Meeting thereof; and no such Rule, Order, or Regulation shall have Effect until Three Months after the same shall have been so laid before both Houses of Parliament; and any Rule, Order, or Regulation so made shall from and after such Time aforesaid be binding and obligatory on the said Courts, and on any Courts of Error or Appeal into which any Judgments or Decrees of the said Courts shall be carried by any Writ of Error or Appeal, and be of the like Force and Effect as if the Provisions contained therein had been expressly enacted by Parliament: Provided always, that it shall be lawful for the Queen's most Excellent Majesty, by any Proclamation inserted in the *London Gazette*, or for either of the Houses of Parliament, by any Resolution passed at any Time within Three Months next after such Rules, Orders, and Regulations shall have been laid before Parliament, to suspend the whole or any Part of such Rules, Orders, or Regulations, and in such Case the whole, or such Part thereof as shall be so suspended, shall not be binding and obligatory on the said Courts.

Interpretation of Terms.

XVI. In the Construction of this Act the Words "Her Majesty" shall extend to and include Her Majesty's Successors; and the Words "Lord

"Lord High Chancellor" and "Lord Chancellor" respectively shall mean and include Keeper of the Great Seal and Commissioners for executing the Office of Lord Chancellor or Keeper of the Great Seal; the Word "Court" shall be understood to mean any One of the Superior Courts of Common Law or Equity at *Westminster* in which any such Petition is presented; the Word "Relief" shall comprehend every Species of Relief claimed or prayed for in any such Petition of Right, whether a Restitution of any Incorporeal Right, or a Return of Lands or Chattels, or a Payment of Money or Damages, or otherwise; and the Word "Judge" shall be understood to mean a Judge or Baron of any of the said Courts respectively; and wherever in this Act, in describing or referring to any Person, Party, or Thing, any Word importing the Singular Number or Masculine or Feminine Gender is used, the same shall be understood to include and be applicable to several Persons and Parties as well as One Person or Party, and to Females as well as Males, and Males as well as Females, and Bodies Corporate as well as Individuals, and several Matters and Things as well as One Matter or Thing, unless it otherwise be provided, or there be something in the Subject or Context repugnant to such Construction.

Short Title.

XVII. In citing this Act in any Instrument, Document, or Proceeding, it shall be sufficient to use the Expression "The Petitions of Right Act, 1860."

Nothing to prevent Suppliant proceeding as before.

XVIII. Nothing in this Act contained shall prevent any Suppliant from proceeding as before the passing of this Act.

SCHEDULE referred to in the foregoing Act.

No. 1.

Petition.

In the Queen's Bench [*or* Common Pleas, *or* Exchequer of Pleas, *or* in Chancery].

To the Queen's most Excellent Majesty.

[*Middlesex*] to wit. } The humble Petition of *A.B.* of . . by his Attorney, *E.F.* of , showeth that [*state the Facts*].

Conclusion.

Your Suppliant therefore humbly prays that, *&c.*

Dated the Day of A.D.

(Signed) *A.B.*

or C.D., Counsel for *A.B.*

or E.F., Attorney for *A.B.*

Petitions of Right.

No. 2.

THE Suppliant prays for a Plea or Answer on behalf of Her Majesty within Twenty-eight Days after the Date hereof, or otherwise that the Petition may be taken as confessed.

No. 3.

To *A.B.*

You are hereby required to appear to the within Petition, in Her Majesty's Court of Queen's Bench [Common Pleas, *or* Exchequer, *or* High Court of Chancery], within Eight Days, and to plead or answer thereto within Fourteen after the Date hereof.

Take notice, that if you fail to appear or plead or answer in due Time the said Petition may, as against you, be ordered to be taken as confessed.

Dated, *&c.*

No. 4.

In the Queen's Bench [*or* Common Pleas, *or* Exchequer of Pleas, *or* in Chancery].

Petition of Right.

A.B., Suppliant, *v.* The Queen. } *C.D.* appears in Person. *E.F.*, Attorney for *C.D.*, appears for him.

If the Appearance be in Person, the Address of the Party appearing to be given.

Entered the Day of 186 .

No. 5.

Certificate of a Judge of the Court of the Tenor and Purport of the Judgment or Decree.

To the Commissioners of Her Majesty's Treasury [*or* the Treasurer of Her Majesty's Household].

Petition of Right of *A.B.* in Her Majesty's Court of Queen's Bench [Common Pleas, *or* Exchequer, *or* High Court of Chancery] at Westminster.

I HUMBLY certify, That on the Day of A.D. it was, by the said Court of Queen's Bench [Common Pleas, *or* Exchequer, *or* High Court of Chancery] adjudged [*or* decreed *or* ordered] that the above-named Suppliant was entitled to, *&c.*

Judge's Signature.

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tices at Petty Sessions, or the Divisional Justices, as the Case may be, had omitted to cause to be entered in their Order Book the Grounds of such Refusal, or in case the Order of Refusal shall be in any other respect erroneous or informal, the Justices at Quarter Sessions, or the Recorder, as the Case may be, shall hear and determine the Matter of such Appeal, notwithstanding such Omission, Error, or Informality.

If Order of Refusal reversed, Excise Officer to renew the Licence.

II. In case upon the Hearing of any Appeal from the Refusal of a Certificate of the Justices at Petty Sessions, or the Divisional Justices, as the Case may be, the Justices at Quarter Sessions, or the Recorder, as the Case may be, shall reverse the said Order, then and in such Case the Justices at Quarter Sessions, or the Recorder, as the Case may be, shall declare the Appellant entitled to obtain a Renewal of his Licence, and thereupon the proper Officer of Excise in *Ireland* shall grant to the Appellant a Renewal of his Licence, without requiring any Certificate from Two or more Justices of the Peace, or from a Divisional Justice, as the Case may be, on the Production to such Officer of Excise of a Certificate from the Clerk of the Peace (for which Certificate the Clerk of the Peace may charge a Sum of Two Shillings and Sixpence), certifying that the Order of Refusal had been reversed, and that the Court had declared the Appellant entitled to a Renewal of his Licence.

SCHE-

SCHEDULE A.

Form of Certificate.

Quarter Sessions, District of
County of

A.B. Appellant.
C.D. Respondent.

I certify, That on the Hearing of the Appeal in this Case, from an Order made by the Justices of the Petty Sessions District [*or A.B.*, Divisional Justice,] on the Day of last, refusing to grant to the Appellant a Certificate to entitle him to obtain a Renewal of a Licence to sell Beer, Cider, or Spirituous Liquors, it was ordered by the Court that the said Order of Refusal be reversed, and the said Appellant was declared entitled to obtain a Renewal of his Licence.

Dated this Day of

Clerk of the Peace.

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said Commissioners of the Treasury may consider to have a sufficient Consumption of Articles paying Customs Duties to justify the Expense of a Customs Establishment, and may see fit to appoint as Warehousing Places, and to any Warehouse or Warehouses in any such Place or Places which the said Commissioners of Customs may see fit to approve for the warehousing of Goods for the Security of Duties of Customs; and the said Commissioners of the Treasury by Warrant under their Hands, and the said Commissioners of Customs by Order under their Hands, are hereby authorized and empowered to appoint and approve of any such Place or Places, Warehouse or Warehouses, accordingly; and, except as herein-after mentioned and provided, the said Act, and all other Acts now or hereafter to be made relating to the Customs, and all the Powers and Authorities, Provisions, Privileges, Forfeitures, Securities, Penalties, Rules, Regulations, Restrictions, Matters, and Things contained therein, or made or done in pursuance thereof, with reference to Warehousing Ports and Warehouses appointed or approved under the said Act or any other Act relating to the Customs, shall, so far as the same are or can be made applicable, extend and apply to every Warehousing Place and Warehouse which shall or may be appointed or approved under or in pursuance of this Act, and to the Proprietor or Occupier of and to the Conduct and Management of the Business of every such Warehouse, and the Security of Duties of Customs due or payable upon or in respect of all Goods deposited therein.

Warehouses to be for public Accommodation and to be of approved Dimensions.

III. No Warehouse shall be appointed or approved under this Act, except for the general Accommodation of any Merchants, Traders, or others having Occasion to deposit Goods therein for the Security of Duties of Customs; nor shall any Warehouse be approved under this Act unless it be of such Dimensions as the Commissioners of Customs consider sufficient, having regard to the Wants of the Town wherein it is situated.

Warehouse to be within 1,000 Yards of Custom House.

IV. When the Site of the Custom House in any Place appointed under this Act shall have been fixed or determined on by the Commissioners of Customs, it shall be lawful for the said Commissioners to refuse their Approval of any Warehouse above One thousand Yards from such Site.

Interpretation of "Extra Rates."

V. The Words "Extra Rates," in the Proviso to the Fifteenth Section of "The Customs Tariff Amendment Act, 1860," shall be construed to mean the additional Rates of Two Shillings and Sixpence for every One hundred Pounds of Customs Duty on Tobacco, and of Five Shillings for every One hundred Pounds of Customs Duty on Sugar and other Goods, which by the said Section are made

made payable upon the said Articles when they shall have been removed under Bond; and the Single Rates of Two Shillings and Sixpence and Five Shillings respectively imposed by the said Section shall be payable in respect of Goods delivered from Warehouses which possessed the Privilege of Bonding at the passing of the said Act, whether such Goods shall have been removed or not.

Rates herein named to be paid in lieu of existing Charges.

VI. In lieu of the Sums now payable by the Council of the City of *Manchester* to the said Commissioners in respect of the Expenses incident to the Management and Collection of the Customs Duties, under the several Acts now in force relating thereto, there shall be charged upon Goods deposited in any Warehouse at *Manchester* approved under the said last-mentioned Acts, on the Delivery thereof for Home Consumption, the same Rates as are made payable by "The Customs Tariff Act, 1860," and this Act, on the Delivery for Home Consumption of the like Kinds of Goods from any Warehouse approved under this Act.

Rates deemed Customs Duties.

VII. The Rates made payable under the said Customs Tariff Amendment Act, 1860, and this Act, shall be deemed to be Duties of Customs payable in the United Kingdom of *Great Britain* and *Ireland*, and may be sued for, enforced, recovered, and applied accordingly.

Commencement and Short Title of Act.

VIII. This Act shall come into operation on the Day of the passing thereof; and in citing it in other Acts of Parliament and legal Instruments it shall be sufficient to use the Expression "Customs Inland Bonding Act, 1860."

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Expense of making any such altered or new Line of Road should be provided to the Satisfaction of the said Commissioners in any of the Ways specified in the said Act, the said Commissioners should be authorized and required to fix the precise Line or Direction of any such Road; and from and after the Time when any such Alteration and Improvement should be completed, the said Commissioners should be authorized and empowered to direct Tolls to be levied on such Road, and that such Road when so altered and improved should be maintained in repair by the said Commissioners: And whereas the said *Castle Stewart and Nairn* Road was made by the said Commissioners under the Provisions of the last-recited Act, and the Funds necessary for its Formation were raised by borrowing Money on the Credit of the Tolls leviable on the said Road, and a Portion of the Debt so contracted, amounting to Two thousand seven hundred Pounds, still remains undischarged: And whereas, from the Formation of Railways and other Causes, the Traffic on the said Road has much diminished, and the Revenue derived from the Tolls thereon is not more than sufficient to defray the Expense of maintaining the said Road in repair, and affords no Surplus by means of which the Debt may be paid off, and it is therefore expedient that Provision should be made for the Payment of the Debt: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Assessment to be levied for the Purposes of this Act.

I. The Commissioners of Supply of the County of *Inverness* shall annually impose and levy an Assessment, for the Purpose of discharging the said Debt of Two thousand seven hundred Pounds, upon and from all Lands and Heritages within the County of *Inverness*, according to the yearly Rent or Value thereof, as established by the Valuation Rolls made up under the Valuation of Lands (*Scotland*) Acts, Seventeenth and Eighteenth *Victoria*, Chapter Ninety-one, and Twentieth and Twenty-first *Victoria*, Chapter Fifty-eight, or any other Act relating to the Valuation of Lands in *Scotland*, which may be in force for the Time being, and that at such Rate in every Year as shall be necessary in order to provide sufficient Funds for the Purposes of this Act, including such Sum as may be requisite to cover the Expenses of Assessment and Collection, and any Arrears of preceding Years; and such Assessments shall be imposed, levied, and recovered in the Manner provided by the recited Acts, or any of them, and under the Provisions thereof, which are hereby incorporated with this Act, and made applicable to the Assessments to be levied under this Act.

II. The

II. The said Commissioners of Supply shall impose and levy the said Assessment in such Manner and to such Amount as shall be sufficient to raise the Funds necessary for the Purposes of this Act, within a Time to be limited by the said Commissioners of Supply, not exceeding Thirty Years from the passing of this Act.

Assessment to extend over a Period not exceeding Thirty Years.

III. The Clauses of "The Commissioners Clauses Act, 1847," with respect to the Mortgages to be executed by the Commissioners, with the Exception of Section Eighty-four, are hereby incorporated with this Act; and the Word "Commissioners" in the said Clauses shall mean the Commissioners of Supply of the County of *Inverness*; and the Expression "the Special Act" in the said Clauses shall mean this Act.

Clauses of 10 & 11 Vict. c. 16. as to Mortgages incorporated.

IV. It shall be lawful for the said Commissioners of Supply to borrow on Bond or Mortgage for the Purposes of this Act any Sum of Money not exceeding the Sum of Two thousand seven hundred Pounds, and to make and grant Mortgages and Assignations of the Assessments to be levied under the Provisions of this Act in security for the Payment of the Money so borrowed, and Interest thereon; and if, after having borrowed the said Sum or any Part thereof, the said Commissioners of Supply shall pay off the same, it shall be lawful for them again to borrow the Amount so paid off by granting new Mortgages and Assignations in Security therefor or otherwise, and so from Time to Time as they shall think proper.

Power to borrow on Bond or Mortgage.

V. It shall be lawful for the said Commissioners of Supply, in the Exercise of the said borrowing Powers, to take from any Bank or Banking Company, Credit on a Cash Account, to be opened and kept with such Bank or Banking Company in the Name of the said Commissioners of Supply, or their Clerk or Treasurer, according to the Usage of Bankers in *Scotland*, to the Extent of the Sum which the said Commissioners of Supply are hereby authorized to borrow, or any Part thereof, and to make and grant Mortgages and Assignations of the Assessments to be levied under the Provisions of this Act in security for the Payment of the Amount of such Credit, or of the Sums advanced from Time to Time on such Cash Account, with the Interest thereon.

Power to borrow on Cash Credit

VI. The said Commissioners of Supply in borrowing Money as aforesaid shall make Provision that the Principal Money to be so borrowed, and all Interest for the same, shall be fully paid and discharged within a Time to be limited by the said Commissioners, not exceeding Thirty Years from the passing of this Act.

Money borrowed to be paid off in Thirty Years.

VII. No

For Protection of Persons lending Money on the Security of Assessment.

VII. No Person lending Money to the said Commissioners of Supply, and taking a Mortgage or Assignation in Security for securing Repayment of the same, and purporting to be made under the Authority of this Act, shall be bound to require Proof that the Provisions of this Act have been duly complied with; and it shall not be competent to any Ratepayer or other Person to question the Validity of any such Mortgage or Assignation in Security, on the Ground that such Provisions have not been complied with.

Act not to apply to certain Places.

VIII. This Act shall not apply to the Insular Portions of the County of *Inverness*, except the *Isle of Skye*.

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ment, Statute, or Recognizance to be entered up after the passing of this Act, nor any Writ of Execution or other Process thereon, shall affect any Land of whatever Tenure as to a *bonâ fide* Purchaser or Mortgagee, although Execution or other Process shall have issued thereon, and have been duly registered, unless such Execution or other Process shall be executed and put in force within Three Calendar Months from the Time when it was registered.

Mode of registering.

II. The Registry herein-before required of any Writ of Execution, or other due Process on any Judgment, Statute, or Recognizance, in order to bind a Purchaser or Mortgagee, shall be made by a Memorandum or Minute referring to the Judgment, Statute, or Recognizance already registered, so as to connect the Registry of the Writ of Execution or other Process therewith; such Memorandum or Minute to be left with the Senior Master of the Court of Common Pleas at *Westminster*, who shall forthwith enter the Particulars in a Book in alphabetical Order by the Name of the Person in whose Behalf the Judgment, Statute, or Recognizance upon which the Writ of Execution or other Process issued was registered, and also the Year and the Day of the Month when every such Memorandum or Minute is left with him, and such Officer shall be entitled for any such Registry to the Sum of Five Shillings; and all Persons shall be at liberty to search the same Book, in addition to all the other Books in the same Office, on Payment of the Sum of One Shilling only: And all the Provisions in this Act in regard to Writs of Execution or other Process and the Registry thereof, or otherwise relating thereto, shall extend, *mutatis mutandis*, to Writs of Execution or other due Process issuing on Judgments of the several Courts of Common Pleas of the County Palatine of *Lancaster*, and of Pleas of the County Palatine of *Durham*: But none of these Provisions are to extend to *Ireland*.

Provision for Protection of Heirs and Executors against unregistered Judgments.

III. And whereas by an Act passed in the Fourth and Fifth Years of Their late Majesties King *William* and Queen *Mary*, intituled *An Act for the better Discovery of Judgments in the Courts of King's Bench, Common Pleas, and Exchequer in Westminster*, it was enacted, that no Judgment not docketed and entered in Books in the Manner thereby provided should affect any Lands or Tenements as to Purchasers or Mortgagees, or have any Preference against Heirs, Executors, or Administrators in their Administration of their Ancestors, Testators, or Intestates Estates: And whereas by several later Acts Judgments are required to be registered with more Particulars than were required by the said recited Act; and it is thereby enacted that Judgments not so registered shall not affect any Lands, Tenements, or Hereditaments as to Purchasers, Mortgagees, or Creditors unless and until the same shall be registered in manner

manner thereby required; and in obedience to a Direction in One of the same Acts contained the Dockets existing under the said first-recited Act have been finally closed: And whereas the said several later Acts do not expressly enact that Judgments not docketed as thereby required shall not have any Preference against Heirs, Executors, or Administrators in their Administration of their Ancestors, Testators, or Intestates Estates, in consequence whereof such Heirs, Executors, or Administrators have been held to have lost the Protection which they enjoyed under the said first-recited Act, and it is expedient that the same should be restored: Be it therefore declared and enacted, That no Judgment which has not already been or which shall not hereafter be entered or docketed under the several Acts now in force, and which passed subsequently to the said Act of the Fourth and Fifth Years of King *William* and Queen *Mary*, so as to bind Lands, Tenements, or Hereditaments as against Purchasers, Mortgagees, or Creditors, shall have any Preference against Heirs, Executors, or Administrators in their Administration of their Ancestors, Testators, or Intestates Estates.

Judgments as against Heirs and Executors to be re-registered.

IV. No Judgments which since the passing of an Act of the First and Second Years of Her Majesty Queen *Victoria*, intituled *An Act for abolishing Arrest on Mesne Process in Civil Actions except in certain Cases, for extending the Remedies of Creditors against the Property of Debtors, and for amending the Laws for the Relief of Insolvent Debtors in* England, (being one of the Acts herein-before referred to,) have been registered under the Provisions therein contained, or contained in the later Act of the Second and Third Years of Queen *Victoria*, Chapter Eleven, as explained and amended by the Act of the Session of the Eighteenth and Nineteenth Years of Queen *Victoria*, Chapter Fifteen, (being Two other of the Acts herein-before referred to,) or which shall hereafter be so registered, shall have any Preference against Heirs, Executors, or Administrators in their Administration of their Executors, Testators, or Intestates Estates, unless at the Death of the Testator or Intestate Five Years shall not have elapsed from the Date of the Entry thereof on the Docket or from the only or last Re-registry thereof, as the Case may be, which Re-registry from Time to Time is hereby authorized to be made in manner directed by the said Act of the Second and Third of Queen *Victoria*, as explained and amended by the Act of the Eighteenth and Nineteenth of Queen *Victoria*; but it shall be deemed sufficient to secure such Preference as aforesaid, if such a Memorandum as was required in the first instance is again left with the Senior Master of the Common Pleas within Five Years before the Death of the Testator or Intestate, although more than Five Years shall have expired by Effluxion of Time since the last previous

previous Registration, before such last-mentioned Memorandum or Minute was left; and so *toties quoties* upon every Re-registry.

Extent of the Word "Judgment."

V. In the Construction of the previous Provisions the Term Judgment shall be taken to include registered Decrees, Orders of Courts of Equity and Bankruptcy, and other Orders having the Operation of a Judgment.

Restriction of Effect of Waiver.

VI. Where any actual Waiver of the Benefit of any Covenant or Condition in any Lease on the Part of any Lessor, or his Heirs, Executors, Administrators, or Assigns, shall be proved to have taken place after the passing of this Act in any one particular Instance, such actual Waiver shall not be assumed or deemed to extend to any Instance or any Breach of Covenant or Condition other than that to which such Waiver shall specially relate, nor to be a general Waiver of the Benefit of any such Covenant or Condition, unless an Intention to that Effect shall appear.

Provision for Cases of future and contingent Uses.

VII. Where by any Instrument any Hereditaments have been or shall be limited to Uses, all Uses thereunder, whether expressed or implied by Law, and whether immediate or future, or contingent or executory, or to be declared under any Power therein contained, shall take effect when and as they arise by force of and by relation to the Estate and Seisin originally vested in the Person seised to the Uses, and the continued Existence in him or elsewhere of any Seisin to Uses or Scintilla juris shall not be deemed necessary for the Support of or to give Effect to future or contingent or executory Uses, nor shall any such Seisin to Uses or Scintilla juris be deemed to be suspended, or to remain or to subsist in him or elsewhere.

Sect. 24. of 22 & 23 Vict. c. 35. extended to Mortgagees.

VIII. The Section Twenty-four in the Act of the Session of the Twenty-second and Twenty-third of Queen *Victoria*, Chapter Thirty-five, shall be read and construed as if the Words "or Mortgagee" had followed the Word "Purchaser" in every Place where the latter Word is introduced in the said Section.

Form of applying for Advice of Judge, &c. under Section 30. of 22 & 23 Vict. c. 35.

IX. Where any Trustee, Executor, or Administrator shall apply for the Opinion, Advice, or Direction of a Judge of the Court of Chancery under the Thirtieth Section of the Act of the Twenty-second and Twenty-third of Her present Majesty, Chapter Thirty-five, the Petition or Statement shall be signed by Counsel, and the Judge by whom it is to be answered may require the Petitioner or Applicant to attend him by Counsel either in Chambers or in Court where he deems it necessary to have the Assistance of Counsel.

X. It

X. It shall be lawful for the Lord Chancellor, Lord Keeper or Lords Commissioners for the Custody of the Great Seal of *England*, with the Advice and Assistance of the Master of the Rolls, the Lords Justices of the Court of Appeal in Chancery, and the Vice-Chancellors of the said Court, or any Three of them, and for the Lord Chancellor of *Ireland*, with the Advice and Assistance of the Lords Justices of Appeal and the Master of the Rolls in *Ireland*, to make such General Orders from Time to Time as to the Investment of Cash under the Control of the Court, either in the Three per Cent. Consolidated or Reduced or New Bank Annuities, or in such other Stocks, Funds, or Securities as he or they shall, with such Advice or Assistance, see fit; and it shall be lawful for the Lord Chancellor, Lord Keeper or Lords Commissioners in *England*, and for the Lord Chancellor in *Ireland*, to make such Orders as he or they shall deem proper for the Conversion of any Three per Cent. Bank Annuities now standing or which may hereafter stand in the Name of the Accountant-General of the said Court of Chancery, in trust in any Cause or Matter, into any such other Stocks, Funds, or Securities upon which, by any such General Order as aforesaid, Cash under the Control of the Court may be invested; all Orders for such Conversion of Bank Annuities into other Funds or Securities to be made upon Petition to be presented by any of the Parties interested in a summary Way, and such Parties shall be served with Notice thereof as the Court shall direct.

Power to Lord Chancellors, &c. of England and Ireland to make General Orders as to Investment of Cash under the Control of the Court.

XI. When any such General Order as aforesaid shall have been made it shall be lawful for Trustees, Executors, or Administrators having Power to invest their Trust Funds upon Government Securities, or upon Parliamentary Stocks, Funds, or Securities, or any of them, to invest such Trust Funds, or any Part thereof, in any of the Stocks, Funds, or Securities in or upon which by such General Order Cash under the Control of the Court may from Time to Time be invested.

Trustees, &c. to invest Trust Funds in the Stocks, &c. in which Cash under the Control of the Court may be invested.

XII. Clause Thirty-two of the said Act of the Twenty-second and Twenty-third of Queen *Victoria*, Chapter Thirty-five, shall operate retrospectively.

Clause 32 of 22 & 23 Vict. c. 35. to act retrospectively.

XIII. Whereas by the Act of Parliament of the Third and Fourth of *William* the Fourth, Chapter Twenty-seven, Section Forty, it was enacted that after the Thirty-first Day of *December* One thousand eight hundred and thirty-three no Action or Suit or other Proceeding should be brought to recover any Sum of Money secured by any Mortgage, Judgment or Lien, or otherwise, charged upon or payable out of any Land or Rent, at Law or in Equity, or any Legacy, but within

Extension of Sect. 40. of 3 & 4 W. 4. c. 27. s. 40. to Cases of Claims to Estates of Intestates.

within Twenty Years next after a present Right to receive the same should have accrued to some Person capable of giving a Discharge for or Release of the same, unless such Acknowledgment in Writing or Payment of Principal or Interest as therein mentioned should have been given or made, and then within Twenty Years next after such Payment or Acknowledgment, or the last of such Payments or Acknowledgments: And whereas it is expedient that the said Enactment should be extended to the Case of Claims to the Estates of Persons dying intestate: Be it therefore enacted, That after the Thirty-first Day of *December* One thousand eight hundred and sixty no Suit or other Proceeding shall be brought to recover the Personal Estate, or any Share of the Personal Estate, of any Person dying intestate, possessed by the legal personal Representative of such Intestate, but within Twenty Years next after a present Right to receive the same shall have accrued to some Person capable of giving a Discharge for or Release of the same, unless in the meantime some Part of such Estate or Share, or some Interest in respect thereof, shall have been accounted for or paid, or some Acknowledgment of the Right thereto shall have been given in Writing, signed by the Person accountable for the same, or his Agent, to the Person entitled thereto, or his Agent; and in such Case no such Action or Suit shall be brought, but within Twenty Years after such Accounting, Payment, or Acknowledgment, or the last of such Accountings, Payments, or Acknowledgments, if more than One was made or given.

Order to take account of Debts, &c. of deceased Person under Sect. 19. of 13 & 14 Vict. c. 35. may be made immediately after Probate granted.

XIV. The Order to take an Account of the Debts and Liabilities affecting the Personal Estate of a deceased Person, pursuant to the Nineteenth Section of the Act of the Thirteenth and Fourteenth Years of *Victoria*, Chapter Thirty-five, may be made immediately, or at any Time after Probate or Letters of Administration shall have been granted; and such Order may be made either by the Court of Chancery upon Motion or Petition of course, or by a Judge of the said Court, sitting at Chambers, upon a Summons in the Form used for originating Proceedings at Chambers; and after any such Order shall have been made, the said Court or Judge may, on the Application of the Executors or Administrators, by Motion or Summons, restrain or suspend, until the Account directed by such Order shall have been taken, any Proceedings at Law against such Executors or Administrators by any Person having, or claiming to have, any Demand upon the Estate of the deceased, by reason of any Debt or Liability due from the Estate of the deceased, upon such Notice and Terms and Conditions (if any) as to the said Court or Judge shall seem just; and the Judge, in taking an Account of Debts and Liabilities pursuant to any such Order, shall, on the Application of the Executors or Administrators, be at liberty to direct that the Particulars

ticulars only of any Claim or Claims which may be brought in pursuance to any such Order shall be certified by his Chief Clerk, without any Adjudication thereon; and any Notices for Creditors to come in which may be published in pursuance of any such Order shall have the same Force and Effect as if such Notices had been given by the Executors or Administrators in pursuance of the Twenty-ninth Section of the Act of the Twenty-second and Twenty-third Years of *Victoria*, Chapter Thirty-five.

XV. This Act is not to extend to *Scotland*, nor are any of the Clauses, except Clause Six and the subsequent Clauses, to extend to *Ireland*. Act not to extend to Scotland, &c.

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ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

***

Interpretation of Terms.

II. The following Words and Expressions shall in reference to this Act have the several Meanings hereby assigned to them; that is to say,

The Word "Commissioners" in "The Commissioners Clauses Act, 1847," and this Act, shall mean the Commissioners appointed and incorporated by this Act:

The Word "Harbour" in "The Harbours, Docks, and Piers Clauses Act, 1847," and this Act, shall mean the *Anstruther* Union Harbour within the Limits herein-after defined, and shall include the existing Harbour of *Anstruther Easter* and the new Harbour to be constructed under the Authority of this Act.

8 & 9 Vict. c. 19. and 10 & 11 Vict. cc. 16. and 27. incorporated.

III. "The Lands Clauses Consolidation (*Scotland*) Act, 1845," "The Commissioners Clauses Act, 1847," with the Exception of Section Eighty-four, and "The Harbours, Docks, and Piers Clauses Act, 1847," with the Exception of Sections Sixteen to Nineteen, both inclusive, and Sections Twenty-five and Twenty-six, are hereby incorporated with this Act, and shall apply to the existing Harbour of *Anstruther Easter*, and to the new Harbour to be constructed under the Authority of this Act, and the Works, Lands and Property connected therewith respectively, and to the whole Undertaking of the Commissioners: Provided that Sections Sixteen and Seventeen of the said Harbours, Docks, and Piers Clauses Act may come into force at any Time after Five Years from the passing of this Act, on Six Months' Notice to that Effect being given to the Commissioners by Writing under the Hand of the Secretary of the Admiralty.

Appointment of Commissioners.

IV. The Provost of the Burgh of *Anstruther Easter* for the Time being, the Chief Manager of the Burgh of *Kilrenny* for the Time being, the Chief Manager of the Burgh of *Anstruther Wester* for the Time being, and Five Persons resident within the Parliamentary Limits of the Burgh of *Anstruther Easter*, Three Persons resident within the Parliamentary Limits of the Burgh of *Kilrenny*, and One Person resident within the Parliamentary Limits of the Burgh of *Anstruther Wester*, qualified and to be elected as herein provided, shall be and they are hereby appointed Commissioners for executing and carrying into effect the Purposes of this Act: Provided always, that the surviving and acting Manager who is first named in the Decree or Order of the Court of Session in *Scotland* appointing the Managers for the Time being of each of the said Burghs of *Kilrenny* and *Anstruther Wester* shall, for the Purposes of this Act, be held to be the Chief Manager of each of the said Burghs respectively: Provided also, that in the event of the Power to elect Magistrates and Councillors being at any Time hereafter restored to the said Burghs of *Kilrenny* and *Anstruther Wester*, the Provosts or Chief Magistrates

trates of the said Burghs shall *ex officiis* be Commissioners under this Act in lieu of the Chief Managers of the said Burghs.

V. The Commissioners appointed by this Act, and their Successors in Office, are hereby united and incorporated as a Body Politic and Corporate, by the Name of "The Commissioners of *Anstruther* Union Harbour," with perpetual Succession and a Common Seal, and may by that Name sue and be sued, take and hold Lands, and exercise all other Privileges of a Body Corporate. Incorporation of Commissioners.

VI. The Provost of the Burgh of *Anstruther Easter* for the Time being shall *ex officio* be Chairman of the Commissioners, and shall be the Returning Officer at all Elections under this Act. Chairman and Returning Officer.

VII. On the Fourth *Tuesday* of *September* after the passing of this Act the Persons qualified for the Time being to vote in the Election of a Member of Parliament for the Burghs of *Anstruther Easter*, *Kilrenny*, and *Anstruther Wester*, or the District of Burghs in which the same are included, and who are duly registered in the Roll of Voters of the said Burghs respectively, by the Act Second and Third *William* the Fourth, Chapter Sixty-five, or by any other Act in force for the Time being, appointed to be made up and kept for or with respect to the Election of a Member of Parliament, shall meet in the Town House of the Burgh of *Anstruther Easter*, or other convenient Place, at Nine o'Clock in the Forenoon, of which Meeting, and the Time and Place for holding the same, Intimation shall be given by Advertisement signed by the Provost or acting Chief Magistrate of the said Burgh, printed Copies of which shall be affixed on the Doors of the Town Houses, and on other public Places in the said Burghs, at least Eight Days previous to the Day appointed for holding such Meeting, and then and there shall proceed to elect, by the Majority of the Votes of the Electors present at such Meeting, Five Persons for the Burgh of *Anstruther Easter*, qualified to vote in the Election of a Member of Parliament as aforesaid, and resident within the Parliamentary Limits of that Burgh, Three Persons for the Burgh of *Kilrenny* qualified as aforesaid, and resident within the Parliamentary Limits of that Burgh, and One Person for the Burgh of *Anstruther Wester* qualified as aforesaid, and resident within the Parliamentary Limits of that Burgh, to be Commissioners for executing the Purposes of this Act; and all Votes at Elections of Commissioners shall be given personally, and each Elector shall be entitled to give only One Vote for each Commissioner to be elected. Election of Commissioners.

VIII. The Returning Officer shall, within Twenty-four Hours after any Meeting for the Election of Commissioners, give or cause to Notice to be given to Persons elected.

to be given Notice in Writing to the several Persons elected of their Election as Commissioners for the said Burghs respectively, and call upon them severally to declare within Four Days after such Notice whether they accept or decline to accept the Office of Commissioner; and if any Person so elected shall not intimate his Acceptance of the said Office within Four Days after the Date of such Notice, he shall be held as having declined to accept, and the Returning Officer shall immediately appoint a new Election of a Commissioner or Commissioners in place of the Person or Persons declining or not intimating Acceptance at the Distance of not more than Four nor less than Two Days, and shall give Notice of the Time and Place appointed for such Election by Advertisement, signed by the Returning Officer, printed Copies of which shall be affixed as aforesaid; and such Election shall be proceeded with in the same Manner as is herein-before provided with respect to the First Election of Commissioners, until the Number of Commissioners appointed to be elected in and for the said Burghs respectively shall be completed.

Commissioners to retire from Office by Rotation.

IX. On the Third *Tuesday* of *November* One thousand eight hundred and sixty-one, and on the Third *Tuesday* of *November* in every succeeding Year (except as after mentioned), the elected Commissioners shall retire from Office in the following Rotation:

Two Commissioners for the Burgh of *Anstruther Easter* shall annually retire from Office:

One Commissioner for the Burgh of *Kilrenny* shall annually retire from Office:

The Commissioner for the Burgh of *Anstruther Wester* shall retire from Office every Third Year:

In the Burghs of *Anstruther Easter* and *Kilrenny*, the Commissioners or Commissioner respectively who had the smallest Number of Votes at the First Election shall retire on the Third *Tuesday* of *November* One thousand eight hundred and sixty-one, and in succeeding Years the Commissioners or Commissioner respectively who have or has been longest in Office shall retire:

In the event of any Question arising as to who shall be the retiring Commissioners or Commissioner in either of the said Burghs, such Question shall be determined in the Manner prescribed by the said Commissioners Clauses Act:

The Commissioner first elected for the Burgh of *Anstruther Wester* shall retire on the Third *Tuesday* of *November* One thousand eight hundred and sixty-three.

Annual Election of Commissioners.

X. A Meeting for the Election of Commissioners to succeed the Commissioners retiring from Office by Rotation shall be held in the Town House of *Anstruther Easter* on the Third *Tuesday* of *November*

November in every Year, and a Commissioner or Commissioners for the respective Burghs, qualified as aforesaid and resident within the Parliamentary Limits of the said Burghs respectively, shall be elected by the Majority of the Votes of the Electors qualified to vote as aforesaid in the room of the Commissioner or Commissioners so retiring from Office; and every such Election shall be proceeded with in the same Manner as is herein-before provided with respect to the First Election of Commissioners; and Notice of every such Meeting shall be given by the Returning Officer, as herein-before provided, at least Eight Days previous to the Day appointed for holding such Meeting.

Times and Place of Meetings of Commissioners.

XI. The Commissioners shall hold their First General Meeting in the Town House of *Anstruther Easter* on the Second *Tuesday* of *October* after the passing of this Act, or as soon thereafter as conveniently may be, and shall proceed to put this Act into execution; and the Commissioners shall hold an Annual General Meeting in the said Town House on the Fourth *Tuesday* of *September* in every Year thereafter, and shall also hold monthly Meetings for the Transaction of General Business at the said Town House on the Second *Tuesday* of every Month, or at such other convenient Time and Place as the Commissioners shall from Time to Time appoint; and at all Meetings of the Commissioners the Chairman, if present, shall preside; and if at any Meeting of the Commissioners the Chairman is not present, One of the Commissioners present shall be elected Chairman of such Meeting by the Majority of the Votes of the Commissioners present at such Meeting.

After Nov. 11, 1860, existing Harbour of Anstruther Easter, &c. to be transferred to the Commissioners.

XII. From and after the Eleventh Day of *November* One thousand eight hundred and sixty, all the Rights and Privileges of the Magistrates and Council of the Burgh of *Anstruther Easter* in and to the existing Harbour of *Anstruther Easter*, and in and to the Quays, Piers, and Works connected therewith, and the Lands, Buildings and Property described in the Schedule (A.) to this Act annexed, and the Right to levy Rates and Dues at the said Harbour, and all Right, Title, Interest, Powers and Privileges of the Magistrates and Council of the Burgh of *Anstruther Easter*, or of the Burgesses and Community thereof, in and with respect to the said Harbour, Quays, Piers, Works, Lands, Buildings and Property, shall be and are hereby (subject to the annual Payment herein-after provided for) transferred from the said Magistrates and Council and the said Burgh to and vested in the Commissioners appointed by this Act, and shall thereafter be held, used, and enjoyed by the Commissioners for the Purposes and subject to the Provisions of this Act.

Annual Payment by Commissioners to Magistrates and Council of Anstruther Easter for Municipal Purposes.

XIII. The Commissioners shall, out of the Rates, Duties, and Revenues levied and received by them under the Authority of this Act, pay annually to the Magistrates and Council of the Burgh of *Anstruther Easter* the Sum of Fifty Pounds, to be applied for the Municipal Purposes of the said Burgh; which annual Sum shall and is hereby declared to be a Burden on the said Rates, Duties and Revenues preferable to any Security to be granted by the Commissioners under the Authority of this Act; and such Payments shall be made on the Eleventh Day of *November* in every Year, with Interest from the Date of Payment till paid, beginning the First Payment on the Eleventh Day of *November* One thousand eight hundred and sixty-one, for the Year preceding; and the Receipt of the Treasurer of the said Burgh for the Time being shall be a sufficient Discharge to the Commissioners for every such Payment.

Power to borrow Money on Security of Rates, &c.

XIV. It shall be lawful for the Commissioners to borrow any Sums of Money not exceeding in the whole the Sum of Twenty-three thousand Pounds, and to make and grant Mortgages and Assignations in Security of the said existing Harbour of *Anstruther Easter* and the said new Harbour and the Works, Lands, and Property vested or acquired or to be acquired or constructed under the Provisions of this Act, and the Rates, Duties and Revenues to be levied and received by the Commissioners under the Authority thereof, in Security for the Payment of the Money so borrowed, and of the Interest thereon; and if, after having borrowed the said Sums or any Part thereof, the Commissioners pay off the same otherwise than by means of the Sinking Fund herein-after provided for, it shall be lawful for them again to borrow the Amount so paid off, and so from Time to Time; and the Mortgages and Assignations to be made and granted by the Commissioners may be in Writing or printed, or partly in Writing and partly printed, and shall be sealed with the Common Seal of the Commissioners, and subscribed by at least Two Commissioners, at and in Presence of a Meeting of the Commissioners.

Power to Public Works Loan Commissioners to lend Money to Commissioners under this Act.

XV. It shall be lawful for the Public Works Loan Commissioners, if they in their Discretion shall think fit, to advance and lend to the Commissioners appointed by this Act the Sum of Sixteen thousand five hundred Pounds, and in Security for the Payment thereof and of the Interest thereon to accept and take from the Commissioners appointed by this Act Mortgages and Assignations in Security of the said existing and new Harbours, and the Works, Lands and Property vested or acquired or to be acquired or constructed under the Provisions of this Act, and the Rates, Duties and Revenues to be levied and received by the Commissioners under the Authority thereof, to and in favour of the Secretary

Secretary for the Time being of the said Public Works Loan Commissioners, or otherwise as they shall direct, on such Terms and Conditions, and with such Provisions for the Repayment of the Principal Sum, and the Interest thereon, as have been or may be agreed upon by and between the said Public Works Loan Commissioners, with the Sanction and Approval of the Commissioners of Her Majesty's Treasury, and the Commissioners appointed by this Act; and the Mortgages and Assignations in Security to be granted to the said Public Works Loan Commissioners or their Secretary for the Time being shall have Priority and Preference on the said Harbours, Works, Lands and Property, and Rates, Duties and Revenues over any other Mortgage and Assignation in Security to be granted by the Commissioners appointed by this Act: Provided that any Sums to be advanced and lent by the said Public Works Loan Commissioners shall, subject to the Sanction and Approval of the Commissioners of Her Majesty's Treasury, be paid over to the Commissioners for the *British* White Herring Fishery, to be held and applied by them for the Purposes of this Act, as herein provided.

Power to Commissioners for the British White Herring Fishery to grant and also lend Money to Commissioners under this Act.

XVI. It shall be lawful for the Commissioners for the *British* White Herring Fishery, from Time to Time as they may think fit, to grant and appropriate, out of any Monies voted to them by Parliament, the Sum of Twelve thousand Pounds towards defraying the Expense of acquiring the Lands and constructing the new Harbour and other Works by this Act authorized to be acquired and constructed; and, in addition to the said Sum of Twelve thousand Pounds, it shall be lawful for the said Commissioners, from Time to Time as they may think fit, out of any Monies voted to them by Parliament, to advance and lend to the Commissioners appointed by this Act any Sum not exceeding Six thousand five hundred Pounds, and in Security for the Payment thereof and of the Interest thereon to accept and take from the Commissioners appointed by this Act Mortgages and Assignations in Security of the said existing and new Harbours, and the Works, Lands and Property vested or acquired or to be acquired or constructed under the Provisions of this Act, and the Rates, Duties, and Revenues to be levied and received by the Commissioners under the Authority thereof, to and in favour of the Secretary for the Time being of the said Commissioners for the *British* White Herring Fishery, or otherwise as they shall direct; and such Grant and Loan shall be made upon such Terms and Conditions and under such Regulations, and shall be paid and applied in such Manner and at such Periods, as shall be fixed and agreed upon by the said Commissioners for the *British* White Herring Fishery, with the Sanction and Approval of the Commissioners of Her Majesty's Treasury: Provided always, that the Mortgages and Assignations in Security

Security for the said Sum of Six thousand five hundred Pounds, or any Part thereof, shall be postponed to the Mortgages and Assignations in Security to be granted to the said Public Works Loan Commissioners, but shall be preferable to any other Mortgage and Assignation in Security to be granted by the Commissioners appointed by this Act; and no Interest shall be payable or be accumulated on the said Sum of Six thousand five hundred Pounds, or any Part thereof, until the Debt to the said Public Works Loan Commissioners shall be paid off and discharged, and thereafter Interest at the Rate of Four Pounds *per Centum per Annum* shall be payable to the said Commissioners for the *British* White Herring Fishery on the said Sum or such Part thereof as may be lent and may remain unpaid: Provided also, that no Part of such Sums shall be granted by the said Commissioners for the *British* White Herring Fishery until a Sum not less than One Fourth Part of the Sums so granted has been advanced and paid by the Commissioners, or by the said Public Works Loan Commissioners, to the said Commissioners for the *British* White Herring Fishery.

Power to borrow from Bank on Cash Credit.

XVII. It shall be lawful for the Commissioners appointed by this Act to accept and take from any Bank or Banking Company Credit on a Cash Account to be opened and kept with such Bank or Banking Company in the Name of the Commissioners, according to the Usage of Bankers in *Scotland*, to the Extent of the Sum which the Commissioners are authorized to borrow as aforesaid, or any Part thereof, and, if required, to make and grant Mortgages and Assignations in Security of the said existing and new Harbours, and the Works, Lands and Property vested or acquired or to be acquired or constructed under the Provisions of this Act, and the Rates, Duties and Revenues to be levied and received by the Commissioners under the Authority thereof, in Security for the Payment of the Amount of such Credit or of the Sums advanced from Time to Time on such Cash Account, and of the Interest thereon: Provided that the whole Sums due and owing by the Commissioners for Money borrowed by them from the said Public Works Loan Commissioners, or from the said Commissioners for the *British* White Herring Fishery, or on such Cash Account, or on Mortgages and Assignations in Security of the said Harbours, Works, Lands, Property, Rates, Duties and Revenues, or any Part thereof, shall not, when taken together, exceed the said Sum of Twenty-three thousand Pounds by this Act authorized to be borrowed.

Application of Money granted and borrowed.

XVIII. The Money to be granted and appropriated by the said Commissioners for the *British* White Herring Fishery as aforesaid, and any Money to be advanced and lent to or borrowed by the Commis-

Commissioners appointed by this Act, shall be applied by the said Commissioners for the *British* White Herring Fishery in and for the Purchase of the Lands and the Construction of the Works by this Act authorized to be acquired and constructed, and in carrying into execution the several Purposes of this Act, and to no other Purpose whatsoever.

Auditor to be appointed.

XIX. The Sheriff of the County of *Fife* shall, on Application made to him by the Commissioners, annually appoint an Auditor (being a Person well skilled in Accounts, and not being One of the Commissioners, or holding Office under them,) to audit and docquet the Accounts of the Commissioners; and in case the Office of such Auditor shall before such Accounts have been audited by him become vacant by Death or from any other Cause, the said Sheriff shall from Time to Time appoint an Auditor to supply such Vacancy.

Sinking Fund to be established.

XX. The Commissioners shall every Year appropriate and set apart the surplus Revenue of the Harbour which may remain after paying the said annual Sum of Fifty Pounds to the Magistrates and Council of *Anstruther Easter*, the Interest of the Money borrowed by the Commissioners under the Authority of this Act and the Sums which may be payable to Account of the Principal thereof, and the Expenditure on Maintenance, Management, Repairs and Improvements, as a Sinking Fund, to be applied in paying off the Principal Sums of Money so borrowed, and shall from Time to Time cause such Sinking Fund to be deposited in any Joint Stock Bank of Issue in *Scotland*, and to be increased by Accumulation in the Way of Compound Interest, or otherwise, until the same shall be of sufficient Amount to pay off the said Principal Sums, or some Part thereof which the Commissioners think ought to be paid off, at which Time such Sinking Fund shall be applied in paying off the said Principal Sums, and the Sums so paid off by means of such Sinking Fund shall not be re-borrowed: Provided always, that the Commissioners shall not allow any Sum exceeding One thousand Pounds to remain deposited as aforesaid for a longer Period than Six Months without applying the same as before specified: Provided also, that the said Sinking Fund shall in the first instance be applied by the Commissioners in paying off the Principal Sum of the Debt owing to the said Public Works Loan Commissioners, in so far as such Principal Sum may not previously have been paid off and extinguished.

Payment of Arrears of Principal and Interest may be en-

XXI. The said Commissioners for the *British* White Herring Fishery, or the Mortgagees and Assignees, may, subject to the Preference and Priority of Securities herein-before mentioned, enforce Payment of the

forced by Appointment of Judicial Factor.

Arrears of Interest or the Arrears of Principal and Interest due to them or any of them under or by virtue of any Mortgages and Assignations in Security granted by the Commissioners under the Authority of this Act, by the Appointment of a Judicial Factor or Receiver, in the Manner provided by the said Commissioners Clauses Act, provided that the Application for the Appointment of such Judicial Factor or Receiver shall be made by the said Commissioners for the *British* White Herring Fishery, or by a Mortgagee and Assignee holding a Mortgage, and Assignation in Security granted by the Commissioners on which the Sum of at least Four thousand Pounds of Principal shall be due and owing, or by Two or more Mortgagees or Assignees holding Mortgages and Assignations in Security granted by the Commissioners on which the aggregate Amount of at least Four thousand Pounds of Principal shall be due and owing.

Limits of Harbour.

XXII. The Limits of *Anstruther* Union Harbour shall and are hereby declared to be a straight Line drawn Seaward to the Distance of Four hundred and sixty Yards from High-water Mark of Spring Tides at the East Side of the Mouth of the *Cellardyke* or *Caldies Burn*, on the Northern Shore of the *Firth of Forth*, being the Eastern Parliamentary Boundary of the Burgh of *Anstruther Easter*, and another straight Line drawn from the Seaward Extremity of the Line first mentioned, in a South-westerly Direction, to High-water Mark of Spring Tides at the furthest projecting Point of Land on the said Shore at *Billowness* in the Burgh of *Anstruther Wester*; and the Harbour shall extend to and include the whole Space within the said Lines and Limits.

Improvement of existing Harbour.

XXIII. It shall be lawful for the Commissioners appointed by this Act from Time to Time to improve, repair, maintain, deepen, and cleanse the existing Harbour of *Anstruther Easter*, and to make and maintain additional Piers, Quays, and Wharfs, and all other Buildings and Conveniences connected therewith which may be necessary for the Reception and Accommodation of Vessels entering or using the Harbour, and to make, widen, and improve all necessary Roads and Accesses to the Harbour.

Power to construct new Harbour.

XXIV. And whereas a Plan and Sections of the existing Harbour and Works, and of the intended new Harbour and Works connected therewith, showing the Situation and Levels thereof respectively, and a Book of Reference containing the Names of the Owners, Lessees, and Occupiers of the Lands in, upon, or through which the same are intended to be made, have been deposited with the Sheriff Clerk of the County of *Fife*: It shall be lawful for the said Commissioners for the *British* White Herring Fishery, with the Powers and subject to the

the Provisions contained in this Act and the Acts incorporated herewith, to enlarge the said existing Harbour, and to make and construct the said intended new Harbour, and the Piers, Quays, and other Works connected therewith, in the Situation and upon the Lands delineated on the said Plan and described in the said Book of Reference, and to make and construct such Breakwaters, Quays, Wharfs, Piers, Jetties, Landing Places, Approaches, and other Works and Conveniences as may be deemed necessary for the Purposes of the said Harbours, and to enter upon, take, and use such of the said Lands as shall be necessary for the Purposes aforesaid, and to enter into Contracts for the Execution of the Works by this Act authorized.

Powers for compulsory Purchases limited.

XXV. The Powers granted by this Act and the Acts incorporated herewith for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Five Years from the passing of this Act.

Plans of Works to be deposited at the Admiralty Office.

XXVI. Before commencing any of the Works hereby authorized, Plans and Sections of the Works proposed to be constructed shall be deposited at the Admiralty Office, *Whitehall*, for the Approval of the Lords of the Admiralty; and no Part of the said Works shall be commenced until the same shall be approved of by the Lords of the Admiralty, such Approval to be signified by Writing under the Hand of the Secretary of the Admiralty.

Local Survey may be made.

XXVII. If, after Working Drawings of the Works hereby authorized shall have been submitted to the Lords of the Admiralty, it shall be deemed expedient by them to order a local Survey and Examination of such Works, or of the intended Site thereof, the said Commissioners for the *British* White Herring Fishery shall defray the Costs of such local Survey and Examination, out of the Money received or appropriated by them under the Provisions of this Act.

Power to alter Plans, with Sanction of the Admiralty.

XXVIII. It shall be lawful for the said Commissioners for the *British* White Herring Fishery to make any Deviations from or Alterations of the Works described on the said deposited Plans which to them may appear expedient; provided that before adopting and carrying the same into execution the said Commissioners shall submit the Plans of such deviated or altered Works to the Lords of the Admiralty; and no such Works shall be adopted or executed by the said Commissioners unless approved by the Lords of the Admiralty, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty; and such Works shall only be executed in conformity with the Plans so approved; and such deviated

or

or altered Works, when so executed, shall be deemed to be Part of the Works authorized by this Act.

New Harbour and Works to be vested in Commissioners appointed by this Act.

XXIX. All Lands purchased or acquired under the Provisions and for the Purposes of this Act, and all Piers, Quays, Wharfs, Approaches, and other Works and Conveniences constructed thereon under the Authority of this Act, shall, on the Completion of the said new Harbour and Works, and from and after the Date of a Minute of the said Commissioners for the *British* White Herring Fishery, certifying such Completion, be vested in the Commissioners appointed by this Act, and shall thereafter belong to and be managed, maintained, and kept in repair by them under the Authority of this Act and the Acts incorporated herewith: Provided that all Mortgages and Assignations in Security granted by the Commissioners appointed by this Act, under the Authority thereof, previous to the Date of the said Minute, shall be as valid and effectual with respect to the said new Harbour, and the Works, Lands, and Property constructed or acquired under the Provisions of this Act, and the Rates, Duties, and Revenues to be levied and received at and in respect of the said new Harbour, as if such Mortgages and Assignations in Security had been granted after the Date of the said Minute.

Works abandoned may be removed by Admiralty.

XXX. If any Work to be constructed under the Authority of this Act within the Limits of the Harbour, or any Portion of such Work, shall be abandoned or suffered to fall into Disuse or Decay by the Commissioners, it shall be lawful for the Lords of the Admiralty to abate and remove the same, or any Part or Parts thereof, as they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Commissioners, and the Amount thereof shall be a Debt due from the Commissioners to the Crown, and be recoverable accordingly.

Rates on Vessels as in Sched. (B.)

XXXI. From and after the Eleventh Day of *November* One thousand eight hundred and sixty it shall be lawful for the Commissioners to demand and levy for every Vessel using or entering the Harbour or within the Limits thereof, any Sum for every Ton Measurement of such Vessel not exceeding the Rates specified in the Schedule (B.) to this Act annexed; and all such Rates shall be payable by the Master of such Vessel.

Rates on Goods as in Sched. (C.)

XXXII. From and after the Eleventh Day of *November* One thousand eight hundred and sixty it shall be lawful for the Commissioners to demand and levy, for all Goods specified in the Schedule (C.) to this Act annexed, which shall be shipped or unshipped, received or delivered within the Limits of the Harbour, or at any Pier or other Work

Work connected with the Harbour, any Sums not exceeding the Rates in the said Schedule (C.) specified with respect to such Goods respectively; and all such Rates shall be payable by the Owners of such Goods.

XXXIII. From and after the Eleventh Day of *November* One thousand eight hundred and sixty it shall be lawful for the Commissioners to demand and levy, for the Use of any of the Cranes, Weighing Machines, and Sheds which may be provided or erected at the Harbour, of and from the Owner or Person having the Charge of any Goods deposited therein, or loaded, unloaded, or weighed by means thereof, any Sums not exceeding the Rates specified in the Schedule (D.) to this Act annexed.

Rates for Cranes, Weighing Machines, and Sheds, as in Sched. (D.)

XXXIV. It shall be lawful for the Commissioners to appoint and license a sufficient Number of Persons to be Meters and Weighers at and within the Harbour.

Meters and Weighers may be licensed.

XXXV. It shall be lawful for the Commissioners and they are hereby authorized to license, appoint, and regulate a sufficient Number of Pilots for conducting Vessels out of and into the Harbour, and to remove and displace them at pleasure, and to fix the Rate of Pilotage to be paid to such Pilots, not exceeding the Rates specified in the Schedule (E.) to this Act annexed; and such Pilots shall, before being licensed, be examined as to their Fitness and Capacity to be such Pilots by Three competent Persons, being Ship Masters, well acquainted with the Coast, and shall be certified by such Persons to be fully qualified; and every Person who acts as a Pilot within the Limits of the Harbour without having obtained such Certificate, or without being licensed and appointed, shall for every such Offence be liable to a Penalty not exceeding Twenty Pounds; and it shall be lawful for the Pilots appointed by the Commissioners to conduct Vessels out of and into the *Firth of Forth*, if so required by the Masters of such Vessels, but not otherwise: Provided that nothing herein contained shall be deemed or construed to exempt the Harbour from the Provisions of any General Act relating to Pilots now in force, or which may hereafter pass during the present or any future Session of Parliament.

Pilots may be licensed.

XXXVI. For the Purposes of this Act, the Commissioners shall be deemed "a Pilotage Authority" and "a Local Authority" within the Meaning of "The Merchant Shipping Act, 1854;" and all the Powers by that Act conferred on "Pilotage Authorities" and on "Local Authorities" shall be vested in the Commissioners for the Purposes of this Act.

Commissioners deemed "Pilotage and Local Authorities."

Responsibility of Pilots.

XXXVII. The Commissioners shall not be liable or responsible for any Accident, Loss, or Damage which may arise to any Vessel, or to the Cargo thereof, in consequence of the Employment of any Pilot licensed by the Commissioners, but the Pilots so employed shall be answerable for any wilful or culpable Neglect and Mismanagement.

Power to lease Rates.

XXXVIII. It shall be lawful for the Commissioners to let on lease by Private Contract or Agreement, or by Public Roup or Sale, as they may deem most expedient, all or any of the Rates and Duties by this Act authorized to be levied, for any Period not exceeding Three Years; and in case of all or any of such Rates and Duties being so let, the Lessees thereof shall have the same Powers and Privileges as to levying, collecting, and recovering the same as are conferred on the Commissioners by this Act and the Acts incorporated herewith.

Application of Monies received by Commissioners.

XXXIX. All Monies which shall come into the Hands of the Commissioners from the said existing and new Harbours, or the Lands and Property connected therewith, or the Rates, Duties and Revenues to be levied and received by them under the Authority of this Act, shall be applied for the Purposes herein-after specified, and for no other Purpose whatsoever; that is to say,

First, In Payment of the said Sum of Fifty Pounds *per Annum* to the Magistrates and Council of *Anstruther Easter:*

Second, In Payment of the Interest of any Money borrowed from the said Public Works Loan Commissioners under the Authority of this Act, and of the Sums which may be payable to Account of the Principal thereof:

Third, In Payment of the ordinary Expenditure on Management, Maintenance and Repairs of the said existing and new Harbours, and the Works and Property connected therewith:

Fourth, In Payment of the Interest of the other Monies borrowed under the Authority of this Act:

Fifth, In Payment of the Expense of deepening and improving the said existing Harbour, and of improving and extending the Quays, Piers, Wharfs, and other Works connected with the said existing and new Harbours:

And Lastly, The Surplus of such Monies which may remain after providing for the Purposes before specified shall be appropriated and set apart as a Sinking Fund, as herein-before provided.

Form of Proceedings against Offenders.

XL. The Complaint and Proceedings before the Sheriff or Justice or Justices before whom any Person shall be complained of or proceeded against for any Offence under the Provisions of this Act

Act or the Acts incorporated herewith, and the Sentence or Conviction thereon, may be in the Form of the Schedule (F.) hereunto annexed, or as near as may be; and, except that such Complaint, and the Sentence to be pronounced in relation thereto, shall be in Writing, no other Writing or written Record of Evidence or Procedure shall be necessary, unless the Sheriff or Justices, at the Hearing of the Complaint, shall cause or allow the Procedure or Evidence to be taken down in Writing, or shall themselves take Notes of the same.

Reservation of Merchant Shipping Acts.

XLI. Nothing in this Act contained shall be deemed to exempt the Harbour or the Commissioners from the Provisions of "The Merchant Shipping Act, 1854," or "The Merchant Shipping Act Amendment Act, 1855," or of any General Act relating to Harbours, or Dues on Shipping, or on Goods carried in Ships, now in force, or which shall be passed during the present or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the Rates authorized by this Act.

Saving Rights of the Crown.

XLII. Nothing contained in this Act or the Acts incorporated herewith shall extend to authorize the Commissioners to purchase, take, or use any Land or Soil, or any Rights in respect thereof, belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or any One of them, first had and obtained for that Purpose, and which such last-mentioned Commissioners or any One of them are hereby authorized and empowered to give, or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors.

Any Land reclaimed by the Works not to be taken without Consent of the Commissioners of Woods, &c.

XLIII. If in the course or by means of the Execution of any of the said Works any Part of the Shores or Bed of the said Harbour, or of the Sea beyond the Mouth thereof, belonging to Her Majesty, shall be inned, gained, or reclaimed from the Water, the Commissioners shall not have or exercise any Right upon the same or in respect thereof, but such Inning, Gaining, or Reclamation shall enure absolutely for the Benefit of Her Majesty the Queen, Her Heirs and Successors; and it shall not at any Time afterwards be lawful for the Commissioners to take, enter upon, or interfere with the Lands so inned, gained, or reclaimed for any Purpose whatsoever, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them.

Saving Rights of Public

XLIV. Nothing in this Act contained shall prejudice, alter, or affect the Powers, Rights and Privileges of the said Public Works

Works Loan Commissioners.

Loan Commissioners under the several Acts relating to the said Commissioners; and all such Powers, Rights and Privileges are hereby saved and reserved.

Saving Rights of Burgesses of Anstruther Wester.

XLV. Nothing in this Act contained shall prejudice or affect any Rights or Privileges to which the Burgesses or Inhabitants of the Royal Burgh of *Anstruther Wester* may be lawfully entitled, and which may not be inconsistent with the Provisions of this Act.

SCHE-

SCHEDULES referred to in this Act.

SCHEDULE (A.)

The following Lands, Works, and Buildings described on the Plans and in the Book of Reference referred to in this Act as deposited with the Sheriff Clerk of the County of Fife, at his Office in Cupar, and distinguished by the Numbers herein-after specified:—

Numbers on Plans.	
3, 3, 3, 3.	Piers, Quays, Slips, Crane, Lights, Stairs, Roadways, Area of Harbour.
5, 6.	Curing Ground.
7	Steelyard.
8	Shore Street, Sea and Harbour Wall, Stair.
8*a*.	Access to Harbour.
8*b*, 8*b*, 8*b*.	Brae Road and Accesses to East Quay.
10.	Curing Ground and Harbour and Enclosure Walls.
10*a*.	Curing Ground.
11.	Curing Ground.
12, 12, 12.	Woodyard, Sawpit, Boatbuilding Shed.
13.	Access to Beach.
17.	Dwelling House.
18.	Dwelling House.
22.	Lane.
34.	East Green Street.

SCHEDULE (B.)

RATES ON VESSELS.

				Per Ton. £	s.	d.
For every Vessel under the Burden of Fifteen Tons - -				0	0	4
For every Vessel of the Burden of Fifteen Tons and under Fifty Tons - - - - - -				0	0	6
For every Vessel of the Burden of Fifty Tons and under One hundred Tons - - - - - -				0	0	8
For every Vessel of the Burden of One hundred Tons and under One hundred and fifty Tons - - - -				0	0	10
For every Vessel of the Burden of One hundred and fifty Tons and upwards - - - - -				0	1	0
All Lighters from any Vessel in the Roads shall be exempted from Rates, but if the Vessel do not enter the Harbour every Lighter shall pay for each Trip - - - - -				0	0	2
All Boats entirely open, landing or taking on board Goods or dried or salted Fish, each - -	£ 0	s. 0	d. 6			
All Fishing Boats under the Length over-all of Thirty Feet entering the Harbour or within the Limits thereof, each - - - - - -	0	0	3			
All Fishing Boats of the Length over-all of Thirty Feet and upwards entering the Harbour or within the Limits thereof, each - - -	0	0	6			

SCHEDULE (C.)

Rates on Goods.

		s.	d.
Ale	per Hogshead	0	6
Ale, bottled	per Barrel Bulk	0	3
Bark	per Ton	1	0
Beef or Pork	per Ton	1	4
Beef or Pork	per Barrel	0	2
Blubber	per Tun of 252 Gallons	1	0
Bone Dust	per Ton	0	8
Bones of Cattle	per Ton	0	6
Bottles	per Gross	0	2
Bricks	per 1,000	0	8
Casks, empty, not being returned Packages	per Puncheon	0	3
Other Casks in proportion			
Cattle:			
Bulls	each	0	3
Cows and Oxen	each	0	2
Calves	each	0	0½
Horses	each	0	2
Pigs	each	0	0½
Sheep	per Score	0	6
Lambs	per Score	0	3
Chalk	per Ton	0	8
Chimney Cans	per 100	1	4
Clay, Fire, manufactured	per Ton	0	6
Clay, common	per Ton	0	2
Cloth, Haberdashery, &c.	per Barrel Bulk	0	2
Coaches:			
Chaises and other Four-wheeled Carriages	each	0	8
Gigs, Carts, and other Two-wheeled Carriages	each	0	6
Coals, Scotch, English, Smithy, and Culm	per Ton	0	3
Copper	per Ton	1	4
Corks	per Barrel Bulk	0	2
Corn, viz.			
Wheat and Malt	per Quarter	0	3
Barley, Beans, Peas, Tares, Oats, Rye, Buckwheat, and Indian Corn	per Quarter	0	2
Crystal	per Barrel Bulk	0	2
Dissolved Bones and other artificial Manures	per Ton	0	8
Dogs, Sporting only	each	0	2
Drugs	per Barrel Bulk	0	3
Earthenware	per Crate	0	8
Eggs	per Barrel Bulk	0	2
Fish dried and salted	per Ton	1	4
Haddocks, Cod, Salmon, and all fresh Fish, not enumerated	per Barrel Bulk	0	2
Flax	per Ton	1	4
Flour	per Sack	0	2
Ditto	per Barrel	0	1½

Anstruther Union Harbour.

		s.	d.
Glass	per Barrel Bulk	0	3
Groceries, viz.			
Almonds, Figs, Cinnamon, Currants, Pepper, Pimento, Plums, Prunes, Raisins, and the like	per Barrel Bulk	0	3
Guano	per Ton	0	8
Gunpowder	per Barrel	0	3
Hardware	per Barrel Bulk	0	3
Hares and Rabbits	per Dozen	0	2
Any less Quantity		0	1
Hay	per Ton	0	8
Hemp	per Ton	1	4
Herrings, fresh	per Cran	0	1
Ditto, cured	per Barrel	0	3
Hides:—Ox, Cow, or Horse, salted or dried	per Ton	1	4
Calf Skins	per 120	0	10
Sheep Skins	per 120	0	10
Lamb Skins	per 120	0	5
Hoops of Wood	per 1,500	1	0
Household Furniture, new	per Barrel Bulk	0	1
Household Furniture belonging to Parties changing their Residence only	per 10 Barrels Bulk	0	6
Husbandry Utensils	per Ton	1	4
Ditto	per Barrel Bulk	0	2
Iron:—Bar, Bolt and Rod	per Ton	1	4
Pig or Old	per Ton	0	8
Kelp	per Ton	0	8
Lead, all Kinds	per Ton	1	4
Leather, tanned and dressed	per Ton	1	4
Lime	per Chaldron of 16 Bolls	1	4
Limestone	per Ton	0	3
Loam or Moulding Sand	per Ton	0	3
Machinery	per Ton	1	4
Machinery	per Barrel Bulk	0	3
Manure, Street	per Ton	0	2
Meal	per Bag of 280lbs.	0	2
Milk	per Three large Pitchers	0	0½
Musical Instruments	per Barrel Bulk	0	3
Oils	per Tun	1	0
Ores:—Copper, Iron, Lead, and other Ores	per Ton	0	8
Passengers Luggage, not exceeding 4 Barrels Bulk, free			
All above 4 Barrels Bulk	per Barrel Bulk	0	3
Peats	per Ton	0	3
Pitch	per Barrel	0	3
Porter	per Hogshead	0	4
Porter, bottled	per Barrel Bulk	0	2
Potatoes	per Ton	0	6
Poultry, including Pigeons, Game, &c.	per Dozen	0	1
Any less Quantity		0	0½
Rags, Linen	per Ton	1	4
Other Rags, Old Ropes, and the like	per Ton	0	10
Rape Cakes	per Ton	0	8

Anstruther Union Harbour.

		s.	d.
Salt	per Ton	0	10
Seeds, Flax and Rape	per Hogshead	0	6
Flax	per Barrel	0	3
Flax in Bulk	per Quarter	0	2
Clover	per Ton	1	4
Garden	per Ton	1	4
Hemp and Canary	per Ton	1	4
Rye Grass	per 8 Bushels	0	2
Skins, Seal	per 120	0	8
Slates, under Size	per 1,000	0	6
Sizeable	per 1,000	0	10
Over Size	per 1,000	1	4
Spirits, Foreign and British	per Hogshead of 56 Gallons	0	8
Stones, Rubble	per Ton of 16 Cubic Feet	0	2
Hewn Ashlar Freestone	per Ton of 16 Cubic Feet	0	4
Rough Ashlar Freestone	per Ton of 16 Cubic Feet	0	3
Pavement not exceeding 3 Inches thick	per 70 Feet	0	4
Pavement above 3 Inches thick	per 16 Cubic Feet	0	4
Scythe Stones	per Score	0	1
Mill Stones	each	0	8
Steel	per Ton	1	4
Sugar	per Ton	1	4
Tallow	per Ton	1	4
Tar	per Barrel	0	2
Tea	per Chest	0	3
Tiles, roofing	per 1,000	0	9
Tiles, or Pipes for draining	per 1,000	0	8
Tin of all Kinds	per Ton	1	4
Tobacco	per Ton	2	6
Treenails under 2 Feet in Length	per 1,000	0	6
Treenails exceeding 2 Feet in Length	per 1,000	1	0
Turnips	per Ton	0	6
Turpentine	per Hogshead	0	8
Vegetables	per Cartload	0	2
Vinegar	per Hogshead	0	6
Vitriol	per Carboy	0	2
Whalebone	per Ton	2	0
Wine	per Hogshead	0	8
Wine, bottled	per Barrel Bulk	0	4
Wood:			
Fir, Pine, and other Descriptions not enumerated,	per Load of 50 Feet	0	10
Oak or Wainscoat	per Load of 50 Feet	1	0
Firewood	per Fathom	0	6
Laths and Lathwood	per Fathom of 216 Cubic Feet	2	6
Handspokes	per 120	0	10
Oars	per 120	2	6
Spars under 22 Feet in Length, above 2½ and under 4 Inches Diameter	per 120	2	6
Spars 2½ Inches in Diameter and under	per 120	1	4
Spars 22 Feet in Length and upwards, and not exceeding 4 Inches in Diameter	per 120	6	6
Spars of all Lengths above 4 and under 6 Inches in Diameter	per 120	12	0

Anstruther Union Harbour.

		s.	d.
Wood:			
Spokes of Wheels, not exceeding 2 Feet in Length	per 120	0	4
Exceeding 2 Feet in Length - - -	per 120	0	6
Wedges - - - - - - -	per 1,000	1	0
Pipe Staves, and others in proportion -	per Standard Hundred	1	0
Lignum Vitæ, Fustic, Logwood, Mahogany, and Rosewood - - - - - -	per Ton	1	4
Wool - - - - - - -	per Cwt.	0	2
Yarn - - - - - - -	per Ton	1	4
Zinc - - - - - - -	per Ton	1	4

All other Goods not particularly enumerated in the above Table.

Light Goods - - - - -	per Barrel Bulk	0	2
Heavy Goods - - - - - -	per Ton	1	4

In charging the Rates on Goods the gross Weight or Measurement of all Goods to be taken; and for any less Weights, Measures, and Quantities than those above specified, a Proportion of the respective Rates shall be charged.

Five Cubic Feet, not exceeding Two and a Half Cwt., to be rated as a Barrel Bulk; but when the Weight of Five Cubic Feet is greater than Two and a Half Cwt., then Two and a Half Cwt. to be rated as a Barrel Bulk.

SCHEDULE (D.)

Rates for the Use of Cranes, Weighing Machines, and Sheds.

1st. Rates of Craneage.

				s.	d.
All Goods or Packages, not exceeding One Ton - - -				0	3
Exceeding One Ton and not exceeding Two Tons - -				0	4
"	Two Tons	"	Three Tons - -	0	6
"	Three Tons	"	Four Tons - -	0	8
"	Four Tons	"	Five Tons - -	0	10
"	Five Tons	"	Six Tons - -	1	0
"	Six Tons	"	Seven Tons - -	1	2
"	Seven Tons	"	Eight Tons - -	1	4
"	Eight Tons	"	Nine Tons - -	1	8
"	Nine Tons	"	Ten Tons - -	2	0
"	Ten Tons - - - - - -			3	0

2d. Weighing Machines.

For Goods weighed, One Penny for each Ton or Part of a Ton.

3d. Shed Dues.

For each Ton of Goods of Eight Barrels Bulk, or for each Ton of Goods of Twenty Cwt., which shall remain in the Sheds, or on the Quays of the Harbour, for a longer Time than Forty-eight Hours, the Sum of Threepence, and the Sum of One Penny Halfpenny per Ton for each Day during which such Goods shall remain after the first Forty-eight Hours.

SCHEDULE (E.)

PILOT DUES.

	£	s.	d.
For every Vessel above Twenty Tons entering and leaving the Harbour, per Ton Register - - - -	0	0	4
For each Tide's Work within the Harbour - - -	0	7	6
For laying out Kedge or Warp to assist Vessels - -	0	5	0

SCHEDULE (F.)

FORMS OF PROCEEDINGS.

COMPLAINT.

Unto the Honourable the Sheriff of [*or* Her Majesty's Justices of the Peace for] the County of Fife.

The Complaint of *A. B.*

Humbly showeth,

That *C.D.* has been guilty of a Contravention of "The Anstruther Union Harbour Act, 1860," and of "The Harbours, Docks, and Piers Clauses Act, 1847," incorporated therewith, or One or other of the said Acts, in so far as [*here describe the Offence generally, and state the Time and Place when and where the same was committed*] whereby the said *C. D.* has incurred the Forfeiture [*or* Penalty] of , provided by the Section of the said "Anstruther Union Harbour Act" [*or* the said "Harbours, Docks, and Piers Clauses Act"].

May it therefore please your to grant Warrant to summon the said *C. D.* to appear before to answer to this Complaint, and to be dealt with in Terms of the said Acts, or One or other of them.

According to Justice, &c.,

[*Signed by Complainer or Informer.*]

WARRANT.

[*Place and Date.*]

Having considered the foregoing Complaint, grants Warrant to summon the said *C. D.* complained of to appear before [*Magistrate, and Place and Time*], and that by serving the said *C. D.* with a Copy of the foregoing Complaint and of this Deliverance; and also grants Warrant for citing Witnesses at the instance of both Parties, to attend at the same Place and Time.

[*Sheriff or Justice of Peace.*]

SENTENCE.

SENTENCE.

[*Place and Date.*]

The [*Magistrate*], in respect of the Evidence adduced [*or* of the judicial Confession of the said *C. D.*, [*as the Case may be*], convicts the said *C. D.* of the Offence charged, and decerns and adjudges him to forfeit and pay to the Complainer the Sum of of Penalty, with the Sum of of Expenses, One Half of the said Penalty to be retained by the Complainer, and the other Half thereof [*or as the Case may be*] to be paid and accounted for by him to the Kirk Session, or Collector of the Funds for the Poor of the Parish of Anstruther Easter; and failing Payment by the said *C. D.* forthwith* grants Warrant for Recovery of the said Penalty and Expenses by Poinding of his Goods and Effects, and summary Sale thereof on the Expiration of not less than Forty-eight Hours after such Poinding; appoints a Return or Execution of such Poinding and Sale to be reported within Eight Days from this Date, and in the meantime grants Warrant for detaining the said *C. D.* in the Prison of until such Return be reported.

*[*If it shall appear at the Trial that no sufficient Poinding can be made within the Jurisdiction of Magistrate, say here,* "and in respect it appears that no sufficient Poinding and Sale can be had whereon to levy the said Penalty and Expenses, grants Warrants to imprison the said *C. D.* in the Prison of for the Space of from this Date, unless the said Penalty and Expenses be sooner paid, and decerns."]

WARRANT OF IMPRISONMENT.

To be granted in case of a Return being made that no sufficient Goods and Effects could be found.

[*Place and Date.*]

The [*Magistrate,*] in respect of the Return made that no sufficient Effects can be found whereon to levy the said Penalty and Expenses, grants Warrant to imprison the said *C. D.* in the Prison of for the Space of from this Date, unless the said Penalty and Expenses be sooner paid, and decerns.

WARRANT OF LIBERATION.

[*Place and Date.*]

The [*Magistrate*], in respect of the Return of a sufficient Poinding and Sale of the Effects of the said *C. D.* [*or* in respect of Payment having been made of the said Penalty and Expenses, *as the Case may be*], grants Warrant to the Keeper of the Prison of for the immediate Liberation of the said *C. D.*, and decerns.

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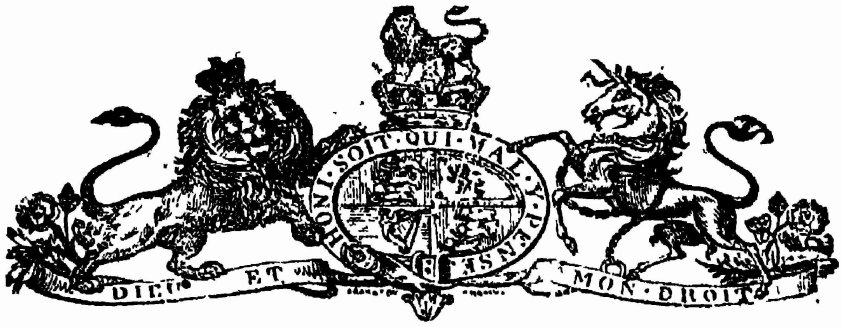

ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

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by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Persons who have omitted to qualify themselves as required by the recited Acts indemnified, and allowed further Time.

I. Every Person who, at or before the passing of this Act, hath omitted to take or make and subscribe any Oath, Assurance, or Declaration, or otherwise to qualify himself within such Time and in such Manner as in and by the said Acts or any of them is required, and who, after accepting any such Office, Place, or Employment, or undertaking any Profession or Thing, on account of which such Qualification ought to have been had and is required, before the passing of this Act, hath taken and subscribed the Oaths or Oath and Assurance, or made the Declarations or Declaration required by Law, or who, on or before the Twenty-fifth Day of *March* One thousand eight hundred and sixty-one, or if Parliament be then sitting before the End of the then Session of Parliament, shall take and subscribe the Oaths or Oath, and Assurance, Declarations or Declaration respectively, in such Cases wherein by the said several Acts or any or either of them the said Oaths, Assurance, and Declarations ought to have been taken and subscribed, in such Manner and Form, and at or in such Place or Places, as are appointed in and by the said several Acts or any or either of them, shall be and are hereby indemnified, freed, and discharged from and against all Penalties, Forfeitures, Incapacities, and Disabilities incurred or to be incurred for or by reason of any Neglect or Omission previous to the passing of this Act of taking or making and subscribing any Oaths or Oath, Assurance or Declaration, required by the said recited Acts or any of them, according to the above-mentioned Acts or any of them, or any other Act or Acts; and every such Person is and shall be fully and actually recapacitated and restored to the same State and Condition as he was in before such Neglect or Omission, and shall be and be deemed and adjudged to have duly qualified himself, according to the above-mentioned Acts and every of them; and all Elections of and Acts done or to be done by any such Person, or by Authority derived from him, are and shall be of the same Force and Validity as the same or any of them would have been if such Person had duly taken or made and subscribed such Oath, Assurance, and Declaration, according to the Directions of the said Acts and every or any of them; and the Qualification of such Person qualifying himself in manner and within the Time appointed by this Act shall be to all Intents and Purposes as effectual as if such Person had taken or made and subscribed such Oaths or Oath, Assurance and Declaration, within the Time and in the Manner appointed by the several Acts before mentioned.

Indemnity to those who have omitted to make and subscribe the Oaths and Declaration required by the Irish Act, 2 Anne, c. 6.

II. And whereas several Persons well affected to Her Majesty's Government, and to the United Church of *England* and *Ireland*, have, through Ignorance of the Law, neglected, or been, by Sickness or other unavoidable Causes, prevented from taking and subscribing the Oaths and Declaration according to the Directions of an Act passed in the Parliament of *Ireland* in the Second Year of Queen *Anne*, intituled *An Act to prevent the further Growth of Popery:*

All

Indemnity.

All Persons who have incurred any Penalty or Incapacity in the said recited Act mentioned, by neglecting to qualify themselves according to the said Act, shall be and are hereby indemnified, freed, and discharged from all Incapacities, Disabilities, Penalties, and Forfeitures incurred by reason of such Omission or Neglect as aforesaid; and no Act done by any of them, not yet avoided, shall be questioned or avoided by reason of such Omission or Neglect, but all such Acts shall be and are hereby declared to be as good and effectual as if such Persons respectively had taken and subscribed the said Oaths, and made and repeated and subscribed the said Declaration, at such Time and Place and Manner as in the said Act is mentioned, anything in the said Act to the contrary notwithstanding. Provided always, that such Person or Persons do and shall take and subscribe the said Oaths, and make, repeat, and subscribe the said Declaration, in such Manner and Form and in such Place or Places respectively as are directed and appointed by the said last-recited Act, on or before the Twenty-fifth Day of *March* One thousand eight hundred and sixty-one, or if Parliament be then sitting before the End of the then Session of Parliament.

Not to indemnify Persons against whom final Judgment has been given.

III. Provided always, That this Act, or anything herein contained, shall not extend or be construed to extend to indemnify any Person against whom final Judgment shall have been given in any Action of Debt, Bill, Plaint, or Information in any of Her Majesty's Courts of Record, for any Penalty incurred by having neglected to qualify himself within the Time limited by Law.

Not to exempt Justices acting without legal Qualification.

IV. Provided also, That nothing contained in this Act shall extend or be construed to extend to exempt any Justice of the Peace within *Great Britain* from the Penalties to which he is subject for acting as such without being possessed of the Qualification required by the Laws now in force.

Admissions to Corporations may be stamped after the Time allowed.

V. And whereas the Appointment of divers Clerks of the Peace, Town Clerks, and other public Officers, and the Admission of divers Members and Officers of Cities, Corporations, and Borough Towns, in *Great Britain* and *Ireland*, or the Entries of such Admissions in the Court Books, Rolls, or Records of such Cities, Corporations, and Borough Towns which by several Acts are directed and required to be stamped, may not have been provided, or the same not stamped, or may have been lost or mislaid:

For the Relief of such Persons whose Appointments and Admissions or the Entries of whose Admissions as aforesaid may not have been provided, or not duly stamped, or where the same have been lost or mislaid, it shall and may be lawful to and for such Persons in *Great Britain* or *Ireland*, on or before the Twenty-fifth Day of *March* One thousand eight hundred and sixty-one, or if Parliament be then sitting before the End of the then Session of Parliament, to provide or cause to be provided Appointments and Admissions or Entries of Admissions, as aforesaid, duly stamped, or in case where such Appointments, Admissions, or Entries of Admissions as aforesaid have been made or provided, but have not been duly stamped, to produce such Appointments, Admissions, or Entries of Admissions as aforesaid

aforesaid to the Commissioners of Inland Revenue, to be duly stamped, which such Commissioners are hereby authorized and empowered and required to duly stamp, on Payment of double the Amount of the Duties first payable or to have been paid on such Appointments, Admissions, or Entries as aforesaid, without any other Fine or Forfeiture thereon; and in order to denote the said Duties the said Commissioners are hereby authorized and empowered to use such Stamps as shall have been heretofore provided to denote any former Duties on stamped Vellum, Parchment, and Paper, or to cause new Stamps to be provided for that Purpose, and to do all other Things necessary for putting this Act in execution, in the like and in as full and ample Manner as they or the major Part of them are authorized to put in execution any former Law concerning stamped Vellum, Parchment, and Paper; and such Persons so providing Appointments, Admissions, or Entries of Admissions as aforesaid, duly stamped, or procuring the same to be duly stamped in manner aforesaid, are and shall be hereby confirmed and qualified to act as Clerk of the Peace, Town Clerk, and other Public Officer, or Member or Members, Officer or Officers of such Cities, Corporations, and Borough Towns respectively, to all Intents and Purposes, and shall and may hold and enjoy and execute such Office, or any other Office or Offices into which he or they hath or have been elected, notwithstanding his or their Omission, or the Omission of any of their Predecessors in such Cities, Corporations, or Borough Towns as aforesaid, and shall be indemnified and discharged of and from all Incapacities, Disabilities, Forfeitures, Penalties, and Damages by reason of any such Omission; and none of his or their Acts shall be questioned or avoided by reason of the same.

Not to restore Persons to any Office avoided by Judgment.

VI. Provided always, That this Act or anything herein contained shall not extend or be construed to extend to restore or entitle any Person or Persons to any Office or Employment, Benefice, Matter, or Thing whatsoever, already actually avoided by Judgment of any of Her Majesty's Courts of Record or already legally filled up and enjoyed by any other Person, but such Office or Employment, Benefice, Matter, or Thing, so avoided or legally filled up and enjoyed, shall be and remain in and to the Person or Persons who is or are now or shall at the passing of this Act be legally entitled to the same, as if this Act had never been passed.

General Issue.

VII. In case any Action, Suit, Bill of Indictment, or Information shall after the passing of this Act be brought, carried on, or prosecuted against any Person or Persons hereby meant or intended to be indemnified, recapacitated, or restored, for or on account of any Forfeiture, Penalty, Incapacity, or Disability whatsoever incurred or to be incurred by any such Neglect or Omission, such Person or Persons may plead the General Issue, and upon their Defence give this Act and the special Matter in Evidence upon any Trial to be had thereupon.

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ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

CAP. XLI.

An Act to make perpetual an Act of the Twenty-first and Twenty-second Years of Her present Majesty, to amend the Law relating to Cheap Trains, and to restrain the Exercise of certain Powers by Canal Companies being also Railway Companies. [23d *July* 1860.]

WHEREAS an Act was passed in the Session of Parliament held in the Twenty-first and Twenty-second Years of the Reign of Her present Majesty, intituled *An Act to amend the Law relating to Cheap Trains, and to restrain the Exercise of certain Powers by Canal Companies being also Railway Companies:* And whereas the said Act will expire at the End of the present Session of Parliament, and it is expedient to make the said Act perpetual: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say, 21 & 22 Vict c. 75.

I. That the said recited Act shall be perpetual. Recited Act made perpetual.

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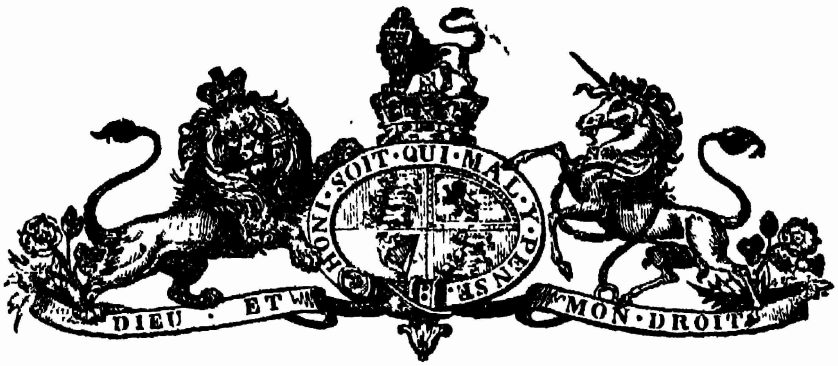

ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

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Park vested in the Commissioners of Public Works in Ireland.

had not been passed should have been performed and exercised by the Commissioners of Her Majesty's Works and Public Buildings for the Time being, shall be performed and exercised by the Commissioners of Public Works in *Ireland* for the Time being; and the Duties and Powers transferred by this Act shall be deemed to have been vested in such last-named Commissioners from the Thirty-first Day of *January* One thousand eight hundred and sixty; and all Acts of the said Commissioners of Public Works in *Ireland* in relation to the said Park shall have Effect and Validity accordingly.

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VICTORIÆ REGINÆ.

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SCHEDULE.

SCHEME for the Application and Management of the Charity called ARCHBISHOP TENISON'S SCHOOL and LIBRARY, in the Parish of Saint Martin in the Fields, in the County of Middlesex.

1. The Trustees of the Charity shall have Power to sell all or any of the Contents of the Library to the Governors of the British Museum, or to the Managers of any public Library or Institution, or to any other Purchasers, upon first submitting the Proposals for such Sale to the Board of Charity Commissioners for England and Wales, and obtaining their Approval thereof.

2. The net Produce of the Sale of the Library, and all other Principal Monies which shall accrue to the Charity, shall, until otherwise disposed of for the Purposes thereof, be invested in the Public Funds in the Name of "The Official Trustees of Charitable Funds," in trust for the Managing Trustees of the Charity, by whom the Dividends thereon shall be applied to the Purposes hereby directed; the Trustees, nevertheless, shall have Power to appropriate any Part of the Library which in their Judgment shall be applicable to the Purposes of the School hereby directed to be established, to the Uses of such School accordingly. The former Trusts of the Library shall cease when this Scheme shall come into operation.

3. All Stock to be purchased under the preceding Provision, and also the Sum of 1,000*l.* 3*l.* per. Cent. Consolidated Annuities now belonging to the Charity, shall be specifically retained for the Purposes thereof, unless or until the same respectively shall, with the Approval of the said Board, be laid out on Real or other Securities, or in the Purchase of Real Estate, for the Benefit of the Charity, or otherwise disposed of for the Objects of this Scheme.

4. The Trustees shall apply the whole Income of the Charity to the Maintenance of a School, to be established and conducted according to the following Provisions, for the Benefit of the Sons of Inhabitants of the City of Westminster belonging to the Commercial and Middle and Lower Classes, to be enjoyed by them, upon Payment of such Capitation Fees, and under such Regulations as shall from Time to Time be required or established by the Trustees, with the Approbation of the said Board, but with the Preference herein-after reserved to the Sons of Inhabitants of the Parish of Saint Martin in the Fields.

5. The Trustees may remit any such Capitation Fees, either wholly or partially, to not more than Thirty Scholars at any One Time, as a Reward of their superior Merit, or in consideration of the comparative Poverty of their Parents or next Friends, or for other sufficient Cause.

6. The School shall bear the Title of Archbishop Tenison's School, and the Archbishop of Canterbury for the Time being shall be the Visitor thereof.

7. The

7. The Master of the School shall from Time to Time be appointed by the Trustees, after sufficient public Advertisements; and such Assistant or other Teachers as the Trustees shall be enabled by the Resources of the Charity, and shall find it expedient to employ for the Purposes thereof, shall from Time to Time be appointed by the Master, with their Approbation.

8. The Master shall be responsible to the Trustees for the whole Conduct of the School, and shall assign to any Assistant or other Teachers their respective Duties, but with the Approval of the Trustees in all Cases in which they shall think it expedient to exercise that Authority.

9. No Master shall acquire a Freehold Interest in his Office, but shall be removable after reasonable Notice by not less than Two Third Parts in Number of the Trustees, or by a Majority of their Number, but in the latter Case with the Approval of the said Board.

10. The Teaching in the School shall comprise as far as practicable, besides religious Instruction, the following Subjects; namely, Grammar and English Composition, Writing, History, Geography, the Latin and French Languages, Arithmetic, Algebra, Book-keeping, and such Principles of the mathematical, mechanical, and physical Sciences most applicable to the Industrial Arts, and generally such Subjects as the Trustees shall require or approve for affording to the Scholars a sound, religious, and useful Education.

11. The Master shall be in Holy Orders or a Member of the Church of England, and the religious Teaching of the Scholars shall be in accordance with the Doctrines and Discipline of the Church, except that no Boy shall receive Instruction compulsorily in the Catechism or any peculiar Doctrines of the Church, or shall be required to attend its Services, whose Parents or next Friends shall declare that they conscientiously object to such Teaching or Attendance, and shall undertake that he shall attend some other Place of Religious Worship on Sundays.

12. The Trustees shall appropriate and fit up the Buildings hitherto used for the Purposes of the former School and Library to and for the Purposes of the new School and of a Residence for the Master, as shall be found convenient; or, with the Approval of the said Board, they may sell, alienate, demise, or otherwise dispose of the Premises, or any Part thereof, for the Benefit of the Charity, and purchase, rent, construct, or acquire, and fit up other Buildings or Premises for the said Purposes, as shall be found most advantageous.

13. The Trustees may, with the Approval of the said Board, apply any Principal Funds belonging to the Charity, or to be raised upon the Security of the Property thereof, to the Alteration, Fitting-up, and Adaptation of the present Buildings of the Charity, or any other convenient Buildings and Premises, to the Purposes of the new School, or to the Purchase, Acquisition, or Construction of any new Buildings, or of Sites for the same, for the same Purposes, replacing such Funds wholly or partially, if and as may be required by the said Board, out of the Income of the Charity.

14. The Sons of all Inhabitants of the City of Westminster belonging to the Commercial and Middle and Lower Classes shall, to the Extent of the Accommodation

modation afforded by the School, be admissible thereto by or according to the general Regulations of the Trustees; but among Applicants for Admission of equal Merits and Eligibility in other respects a Preference shall always be given to Sons of Inhabitants of the Parish of Saint Martin in the Fields. A List of all Applicants for Admission, with the Dates of their respective Applications, shall be kept by the Master, and shall be open to the Inspection of the Trustees collectively and separately; but no Boys shall be admitted before completing the Age of Eight Years, or shall remain in the School beyond the Age of Eighteen Years, unless in Cases in which this Regulation shall be dispensed with by the special Order of the Trustees, and for assigned Reasons, in favour of any particular Boys.

15. All Boys shall be removable from the School by the Trustees for Misconduct or sufficient Cause.

16. The Capitation Fees payable by the Scholars shall be collected under the Direction and for the Control of the Trustees, by whom the same shall be paid, as to One Moiety of their net Amount, to the Master, unless a different Proportion shall be due to him under any special Agreement between himself and the Trustees, made with the Consent of the said Board, which Agreement shall then be carried into effect; and as to the Residue thereof, shall be applicable in aid of the general Income of the Charity.

17. The Trustees shall provide out of the general Income of the Charity for the Repair, Maintenance, Insurance, Renewal, and Improvements, as Occasion shall be, of the School Buildings, with their Fittings and Furniture, which may include any Apparatus required for teaching in the School, and for the proper warming and lighting thereof, and for the Payment of the Rates, Taxes, and other Outgoings due in respect of the Premises; and also for the Payment of the Salaries of the Master and other Teachers, and the necessary Salaries and Wages of any Officers and Servants employed for the Purposes of the Charity, among which they may include the Salary of a Clerk, to be employed by them as they may find expedient, and of the other Expenses of executing the Trusts.

18. The Trustees shall also provide for the due Preservation and Care of the said Library until the same shall be sold under the preceding Power.

19. The School shall be open to Inspection by Her Majesty's Inspectors of Schools, and the Scholars shall be publicly examined once in every Year by Examiners to be appointed for this Purpose by the Trustees. The Trustees may pay out of the Income of the Charity any reasonable Fees to the Examiners conducting such Examination, and any Sum or Sums not exceeding the yearly Amount of Five Pounds, or such other Amount as shall be sanctioned by the said Board, in providing Prizes for the Scholars most distinguished by their Progress and Merit.

20. The Trustees shall apply the Surplus, if any, of such Income which shall remain after answering the several Purposes aforesaid, and after making also such a Reserve as they shall think necessary as a Building or Improvement Fund, or for the general Purposes of the Charity, to the Advancement of the Objects thereof, as they shall think most expedient.

21. There

Tenison's Charity.

21. There shall be Twelve Trustees of the Charity, of whom the Vicar and Churchwardens of the Parish of Saint Martin in the Fields for the Time being shall be Three, and the other now surviving Trustees of the existing Charity, and who shall be willing to act under the new Scheme, shall be others of such Trustees. The new Trustees whose Appointment shall be first required for making up the Number of Twelve Trustees, or for afterwards supplying any Vacancies in the Trust which may be occasioned by the Death, Resignation in Writing, Bankruptcy, Insolvency, or Incapacity of any Trustees, or by their omitting for a Period of Two consecutive Years to attend any Meeting of the Trustees, any of which Circumstances shall create such Vacancies, shall be constituted by the Nomination of the ex officio and other Trustees for the Time being, to be forthwith certified by them to the Vestry of the Parish of Saint Martin in the Fields, and also to the said Board, but no such Nomination shall take effect unless and until the same shall have been approved by the said Board, under their official Seal, after the Lapse of One Calendar Month from their Receipt of the Certificate to them of such Nomination; or such Trustees may be appointed, if and as Occasion shall be, according to the Provisions of "The Charitable Trusts Act, 1853," by a Judge of the Court of Chancery sitting at Chambers, upon the Application of any Persons authorized to make such Application by the Certificate of the said Board.

22. Meetings of the Trustees for the Purposes of the Trusts shall be held quarterly or oftener, as shall be fixed from Time to Time by their Resolutions, and such Meetings, unless and until the same shall have been fixed for any different Periods, shall be held on the Wednesday next preceding each of the usual Quarterly Days in every Year, and a First Meeting shall also be held on the Third Wednesday next after this Scheme shall be established. Special Meetings may also be convened from Time to Time, as may be expedient, by any Two Trustees, by Notices under their Hands delivered or sent by the Post Seven Days previously to every other Trustee at or to his most usual Place of Abode. The Vicar of the Parish of Saint Martin in the Fields shall be the Chairman of every Meeting, if present, or otherwise such Trustee as shall be chosen by the Trustees present. Five Trustees present at any Meeting shall be a Quorum competent to act, and a Majority of the Trustees present at any Meeting shall bind by their Votes the Minority and all absent Trustees. The Chairman of every Meeting, in case of Equality of Votes, shall have a Second or Casting Vote.

23. The legal Interest in any Real Estate of the Charity may be vested by the Order of the Board, to be made upon the Application of the acting Trustees or a Majority of them, in "The Official Trustee of Charity Lands," in trust for the said Charity.

24. The Official Trustees of Charitable Funds may be empowered by the said Board to call for a Transfer of and to transfer into their Name, in trust for the acting Trustees, any Stock in the Public Funds belonging to or held in trust for the Charity.

25. If any Question shall arise respecting the Construction of this Scheme, the Matter of such Question may be submitted by all or any of the Trustees to the said Board, whose Opinion thereon, expressed under their official Seal, shall be

be conclusive on all the Trustees; and any Provision which shall be found inconvenient may be modified by Order of the Court of Chancery, or any of the Judges thereof, under its ordinary Jurisdiction over Charities, in any Manner not inconsistent with the general Purposes of this Scheme.

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ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

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Provisional Orders in Schedule confirmed.

I. The Provisional Orders contained in the Schedule hereunto annexed shall be absolute, and be as binding, and of the like Force and Effect, as if the Provisions of the same had been expressly enacted in this Act.

Byelaws as to Regulation of Hackney Carriages, Horses, Boats, &c. (Scarborough).

II. The Local Board for the District of *Scarborough* may exercise the same Powers as are given to them by "The Local Government Act, 1858," for licensing and making Byelaws for the Regulation of Hackney Carriages, in and for the licensing and making Byelaws for the Regulation of Horses, Mules, and Asses standing for Hire in the Borough of *Scarborough*, and of the Persons driving or attending upon the same, and also in and for the licensing and making Byelaws for the Regulation of Pleasure Boats plying for Hire within the District of the said Local Board, and the Persons navigating or in attendance upon the same.

Regulations as to Fish Trade (Scarborough).

III. For the better Accommodation of Dealers and other Persons employed in the Fish Trade at *Scarborough*, and for the Prevention of Nuisances arising from the carrying on of such Trade, the said Local Board shall have Power to purchase or take upon Lease, sell or exchange, any Lands or Premises, and to provide and erect thereon Fish Stages, Staithes, Stands, Areas, Sheds, Warehouses, Piers, Jetties, Wharves, Buildings, and other Conveniences for the Purposes of landing, selling, packing, salting, storing, or otherwise dealing with Fish, and to form and make all necessary Railways, Tramways, Roads, and Approaches thereto: The said Powers and Purposes shall be deemed to be in all respects Powers and Purposes of "The Public Health Act, 1848," and "The Local Government Act, 1858."

Provisions for Life Buoys, &c. (Scarborough).

IV. The said Local Board may purchase, provide, and maintain Boats, Life Buoys, Apparatus, Matters, and Things for the Prevention of Drowning, or for the Recovery or Search for the Bodies of drowned Persons, and the restoring to Animation Persons apparently drowned, and employ and remunerate Persons in charge of such Apparatus or taking part in the Services herein enumerated.

Unrepealed Parts of 6 & 7 W. 4. c. lix. incorporated with Local Government Act as adopted in Teignmouth.

V. Whereas "The Local Government Act, 1858," has been duly adopted by the Improvement Commissioners in and for the Town of *Teignmouth* in the County of *Devon*, acting in execution of a certain Local Act in force in the said Town, intituled *An Act for the better paving, lighting, watching, and improving the Town of* Teignmouth *in the County of* Devon, *and for supplying the Inhabitants thereof with Water:* And whereas a Provisional Order under the said Local Government Act, 1858, has been duly confirmed

confirmed by "The Local Government Supplementary Act, 1859, (No. 2.)," for the Repeal and Alteration of certain Parts of the said Local Act, but the said Local Act is not thereby incorporated with the said Local Government Act as adopted by the said Town: And whereas it is desirable that the unrepealed Parts of the said Local Act should be so incorporated: It is hereby enacted, That the unrepealed Parts of the said Local Act shall be and the same are hereby incorporated with the said Local Government Act as adopted in the said Town of *Teignmouth*.

VI. This Act shall be deemed to be incorporated with "The Local Government Act, 1858," and shall be as if this Act and the said Local Government Act were One Act. This Act incorporated with 21 & 22 Vict. c. 98.

VII. In citing this Act in any other Act of Parliament, or in any Proceeding, Instrument, or Document whatsoever, it shall be sufficient to use the Words and Figures "The Local Government Supplemental Act, 1860." Short Title.

SCHE-

SCHEDULE.

SOUTHAMPTON.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, *within the District of the Southampton Local Board of Health, for the Purchase of Land by the said Board.—Local Government Act*, 1858.

Whereas the Mayor, Aldermen, and Burgesses of the Borough of Southampton, acting as Local Board of Health within the said Borough, to which the Public Health Act, 1848, was duly applied by a Provisional Order of the General Board of Health; bearing date the 15th day of July 1850, confirmed by the Public Health Supplemental Act, 1850 (No. 3), have, in pursuance of the Provisions of the 75th section of the Local Government Act, 1858, and after complying with the requirements of that section by duly giving and serving all notices thereby directed, presented a Petition under the Seal of the said Local Board to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board of Health to purchase a piece of mud land containing one acre, lying on the western bank of the River Itchen, in order to construct thereon works connected with the drainage of the aforesaid Borough.

And whereas the said Petition duly set forth and described the piece of land intended to be taken by such Local Board for such purpose, and the names of the owners, lessees, and occupiers of the aforesaid piece of land who have assented, dissented, and are neuter in respect of the taking of such piece of land, or who have returned no answer to the notice issued by such Board; and such Petition prayed that the said Board might, with reference to such land, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid, with respect to the purchase and taking of land otherwise than by agreement; and on the receipt of such Petition, Her Majesty's Principal Secretary of State for the Home Department directed Alfred Lamerte Dickens, Esq., the Inspector appointed for the purpose, to visit the said Borough, and the said Inspector has now inquired into the subject matter of such Petition, and has duly reported thereon.

Now therefore, I, as Her Majesty's Principal Secretary of State for the Home Department, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make Order and direct—

That, from and after the passing of any Act of Parliament confirming this Order, the Local Board of Health for the Borough of Southampton shall be empowered to put in force, with reference to the land referred to

to and described in the Schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of land otherwise than by agreement.

Given under my hand, this Second day of November 1859.

(Signed) G. C. LEWIS.

SCHEDULE referred to in the preceding Order.

The land proposed to be taken, as described in the foregoing Order by the Local Board of Health named therein, is a piece of mud land containing one acre, lying on the western bank of the River Itchen, and situate at or near to the place at which the Belvidere sewer opens into the river. It is in the Parish of Saint Mary within the town and county of the town of Southampton, and belongs or is reputed to belong to the Rectory of the Parish as part of or as held with the glebe of the Rectory; and is bounded eastward by the river, westward by the road from Crabniton to Northam, and northward and southward by other parts of the mud land belonging or reputed to belong to the said Rectory; and the said piece of land so intended to be taken is delineated on the Plan annexed to the Petition of the said Local Board referred to in the foregoing Order, and is coloured green thereon.

LEICESTER.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, *within the District of the Leicester Local Board of Health, in the County of Leicester, for the Purchase of Lands by the said Board for Street Improvements.—Local Government Act*, 1858.

Whereas the Local Board of Health in and for the District of the Borough of Leicester, in the County of Leicester, to which the Public Health Act, 1848, was duly applied by a Provisional Order of the General Board of Health, confirmed by the Public Health Supplemental Act, 1849, have, in pursuance of the Provisions of the 75th Section of the Local Government Act, 1858, and after complying with the requirements of that Section by duly giving and serving all notices thereby directed, presented a Petition, under the Seal of the said Local Board, to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board of Health to purchase certain pieces of land and certain buildings for the improvement of certain streets and highways, called the Coal Hill, the Haymarket, the East Gates, and Northampton Street, all situate within the District of the said Local Board.

And whereas the said Petition duly set forth in the Schedules annexed thereto the several pieces of land and the several buildings intended to be taken by such Board for such purposes, and the names of the owners, lessees, and occupiers of the aforesaid pieces of land who have assented, dissented, and are neuter in respect of the taking of such pieces of land and buildings, or who have returned no answer to the notice issued by

such Board; and such Petition prayed that the said Board might, with reference to such land and buildings, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid with respect to the purchase and taking of land otherwise than by agreement; and on the receipt of such Petition, Her Majesty's Principal Secretary of State for the Home Department directed Alfred Dickens, Esq., the Inspector appointed for the purpose, to visit the said District, and the said Inspector has now inquired in the District aforesaid into the subject matter of such Petition, and has duly reported thereon.

Now, therefore, I, as Her Majesty's Principal Secretary of State for the Home Department, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make Order and direct,—

That, from and after the passing of any Act of Parliament confirming this Order—

1.—The Local Board of Health for the District of the Borough of Leicester, in the County of Leicester, shall be empowered to put in force, with reference to the lands referred to and described in the Schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of land otherwise than by agreement.

Given under my Hand this Eighteenth day of April 1860.

(Signed) G. C. LEWIS.

SCHEDULE referred to in the preceding Order.

The Pieces of Land and the Buildings proposed to be taken, as described in the foregoing Order, are the following; the figures referring to the figures on the Plan mentioned in the Schedule to the Petition of the Local Board of Health herein-before mentioned:—

No. on Plan.	Lands proposed to be taken.	Owners.	Lessee and Occupier.
1	A piece or parcel of a messuage and shop in Granby Street, Leicester, in the occupation of William Hughes, comprising an area of seven square feet, or thereabouts.	John Loseby. Susannah Marson Heard. Maria Heard Jones.	William Hughes.
2	A messuage, shop, and premises, with the appurtenances, situate at the junction of Northampton Street and Granby Street, Leicester, now in the occupation of James Startin, comprising an area of thirty-two square yards, or thereabouts.	John Loseby. Susannah Marson Heard. Maria Heard Jones.	James Startin.
3	A messuage or tenement, shop, and premises, with the appurtenances, situate in and fronting to East Gates, Leicester, now in the occupation of Joseph Levy, comprising an area of sixty-two square yards, or thereabouts.	William Kirk Eames. Richard Frederick Eames. James Bedells. Sophia Eames (now Sophia Hemsley).	Joseph Levy.

EPSOM.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, *within the District of the Epsom Local Board of Health, in the County of Surrey, for the Purchase of Lands by the said Board for Deodorizing Works.—Local Government Act*, 1858.

Whereas the Local Board of Health in and for the District of Epsom, in the County of Surrey, to which the Public Health Act, 1848, was duly applied by an Order of Her most Gracious Majesty in Council, bearing date the Ninth day of March 1850, and in pursuance of the Provisions of the 75th Section of the Local Government Act, 1858, and after complying with the requirements of that Section by duly delivering, serving, giving, and publishing all notices and advertisements thereby directed, presented a Petition, under the Seal of and duly signed by the said Local Board, to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board of Health to purchase a certain piece of land situate within the said district for the purpose of forming thereon tanks and filter beds, and for constructing all necessary works for the purpose of intercepting, collecting, deodorizing, and purifying the sewage discharged and to be discharged from the public sewers and drains situate within the District of the said Local Board.

And whereas the said Petition duly set forth, stated, and described the piece of land intended to be taken by such Board for such purposes, and the names of the owners, lessees, and occupiers of the aforesaid piece of land who have assented, dissented, and are neuter in respect of the taking of such piece of land, or who have returned no answer to the notice issued by such Board; and such Petition prayed that the said Board might, with reference to such land, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid with respect to the purchase and taking of land otherwise than by agreement; and on the receipt of such Petition, I took the same into consideration, and directed William Ranger, Esq., the Inspector appointed for the purpose, to visit the said District, and the said Inspector visited the same pursuant to notice duly published as by me directed, and inquired in the District aforesaid into the subject matter of such Petition, which was duly supported by such evidence as I required, and he has duly reported thereon.

Now, therefore, I, as Her Majesty's Principal Secretary of State for the Home Department, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make Order and direct,—

That, from and after the passing of any Act of Parliament confirming this Order—

1.—The Local Board of Health for the District of Epsom in the County of Surrey, shall be empowered to put in force, with reference to the land referred to and described in the Schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of land otherwise than by agreement.

Given under my Hand this Eighteenth day of April 1860.

(Signed) G. C. Lewis.

SCHE-

SCHEDULE referred to in the preceding Order.

The Piece of Land proposed to be taken, as described in the foregoing Order, is the following:—

Land proposed to be taken.	Owner, Lessee, and Occupier.
A certain piece of land within the said district (comprising an acre, or thereabouts,) situate near the end of the outfall sewer, forming part of a meadow near the line of railway which runs from Epsom to Wimbledon, and which spot is about 586 yards from the high road and the houses near thereto, and abuts upon Ware, otherwise Water Lane, leading from Epsom to Kingston.	Mary Eleanor Parkhurst, of No. 9, Leicester Place, Clifton, near Bristol. William Etty Weston, of Epsom, Farmer.

COVENTRY.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, *within the District of the Coventry Local Board of Health, in the County of Warwick, for the Purchase of Lands by the said Board for Street Improvements.—Local Government Act*, 1858.

Whereas the Mayor, Aldermen, and Citizens of the City of Coventry, by the Council of the said City, being the Local Board of Health in and for the District of the said City, to which the Public Health Act, 1848, was duly applied by a Provisional Order of the General Board of Health, confirmed by the Public Health Supplemental Act, 1849, have, in pursuance of the Provisions of the 75th Section of the Local Government Act, 1858, and after complying with the requirements of that Section by duly giving and serving all notices thereby directed, presented a Petition, under the Seal of the said Local Board, to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board of Health to purchase certain pieces of land and certain buildings for the purpose of providing a Market Place and Market House, and other conveniences, within the said District, with the view of holding such Markets therein, such land and buildings being all situate within the District of the said Local Board.

And whereas the said Petition duly set forth in the Schedules annexed thereto the several pieces of land and the several buildings intended to be taken by such Board for such purposes, and the names of the owners, lessees, and occupiers of the aforesaid land and buildings who have assented, dissented, and are neuter in respect of the taking thereof, or who have returned no answer to the notice issued by such Board; and such Petition prayed that the said Board might, with reference to such land and buildings, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid, with respect to the purchase and taking of land otherwise than by agreement; and on the receipt of such Petition, Her Majesty's Principal Secretary of State

State for the Home Department directed Henry Austin, Esquire, the Inspector appointed for the purpose, to visit the said District, and the said Inspector has now inquired in the District aforesaid into the subject matter of such Petition, and has duly reported thereon.

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make Order and direct,—

That, from and after the passing of any Act of Parliament confirming this Order—

1.—The Local Board of Health for the District of the City of Coventry, in the County of Warwick, shall be empowered to put in force, with reference to the land referred to and described in the Schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of land otherwise than by agreement.

Given under my Hand this Eighteenth day of April 1860.

(Signed) G. C. Lewis.

SCHEDULE referred to in the preceding Order.

The Pieces of Land and the Buildings proposed to be taken, as described in the foregoing Order, are the following; the figures referring to the figures on the Plan mentioned in the Schedules to the Petition of the Local Board of Health herein-before mentioned:—

No. on Plan	Description of Property proposed to be taken.	Owner or reputed Owner.	Lessee or reputed Lessee.	Occupier.
1	House	Thomas Burbidge Thomas Jenkins. Mary Ann Burbidge.		Edward Wilkins.
2	Chandlehouse	The same		Mary Ann Burbidge.
3	Salt Shed	The same		The same.
4	Yard	The same		The same.
5	House	Sarah Dry James Collingbourne and Elizabeth his Wife. Samuel Dixon Dry. William Frederick Dry. Sarah Anne Dry. Mary Jane Dry.		Joseph Simkins.
6	House	The same		Mary Ann Curry.
7	House	The same		William Hewitt.
8	Yard	The same		Sarah Dry. Joseph Simkins. Mary Ann Curry. William Hewitt. Joseph Booten. William Roe. Joseph Brooks. Mary Hewitt. Rachael Lindon. James Archer. Margaret Ryley.
9	House	Jonathan Keene		William Orton.
10	House	The same		Edward Clarke.
11	House	The same		William Humphreys.
12	House	The same		Harriet Mow. John Wright. Henry Baker.
13	House	The same		William Cotton.
14	Yard and Privies	Jonathan Keene		William Orton. Edward Clarke. William Humphreys. Harriet Mow. John Wright. Henry Baker. William Cotton.
15	House	The same	Frederick Blunsom	Frederick Blunsom.
16	House	The same		Edward Owen.
17	House	The same		William Everton.
18	Yard, Stable, and Privies	The same	Frederick Blunsom	Frederick Blunsom. Edward Owen. William Everton.
19	House	George Hemming		Caleb Lewis.
20	House	The same		Void.
21	House	The same		George Hemming. Thomas Tunnicliffe.

No. on Plan.	Description of Property proposed to be taken.	Owner or reputed Owner.	Lessee or reputed Lessee.	Occupier.
22	House - - -	The same - - -	- - - -	George Burton.
23	House - - -	The same - - -	- - - -	James Rowland.
24	Washhouse - -	The same - - -	- - - -	Void.
25	Privy and Yard -	The same - - -	- - - -	George Hemming. Caleb Lewis. James Rowland. Thomas Tunicliffe. George Burton.
26	House - - -	Samuel Vale - - -	- - - -	William Troop.
27	House - - -	Thomas Chattaway - -	- - - -	William Burrows.
28	House - - -	The same - - -	- - - -	John Smith.
29	House - - -	The same - - -	- - - -	Charles Pritchard.
30	Yard and Privies -	The same - - -	- - - -	The same.
30a	Yard - - -	The same - - -	Job Snape - -	William Burrows. John Smith. Charles Pritchard. William Bourne. John Fulton. Job Snape.
31	House - - -	Thomas Chattaway -	- - - -	William Bourne.
32	House - - -	The same - - -	- - - -	John Fulton.
33	Shed - - -	The same - - -	Job Snape - -	Job Snape.
34	Stables - -	The same - - -	The same - -	The same.
35	Brewhouse - -	The same - - -	The same - -	The same.
36	Outbuildings and Yard	The same - - -	The same - -	The same.
37	Lumber Rooms - -	The same - - -	The same - -	The same.
38	Yard - - -	The same - - -	The same - -	The same.
39	Public House - -	The same - - -	The same - -	The same.
40	House - - -	The same - - -	The same - -	Robert Marriott.
41	House - - -	Thomas Smith - -	- - - -	James Keene.
42	House - - -	William Copestakes - -	- - - -	William Copestakes.
43	House - -	General Charity Trustees Coventry, namely, The Rev. T. Sheepshanks. Thomas Banbury, Esq. Mr. Josiah Cash. Mr. Richard Hands. James Sibley Whittem, Esq. Mr. Thomas Smith, junior. William Clarke, Esq. Richard Caldicott, Esq. Mr. Harry Chotham. William Odell, Esq. Bryan Dunn, Esq. Samuel Vale, Esq. Abijah Hill Pears, Esq. Mr. David Spencer. Samuel Newsome, Esq. William Sargeant, Esq. Mr. Thomas Jones Newark. Charles Dresser, Esq. Mr. S. Hammerton, junior. Mr. John Rotherham.	Samuel Bakewell -	Samuel Bakewell.

IPSWICH.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, *within the District of the Ipswich Local Board of Health, for the Purchase of Land by the said Board.—Local Government Act*, 1858.

Whereas the Mayor, Aldermen, and Burgesses of the Borough of Ipswich, acting as the Local Board of Health of the District of the said Borough, by the Council of such Borough, to which the Public Health Act, 1848, was duly applied by a Provisional Order of the General Board of Health, bearing date the 21st day of January 1857, confirmed by the Public Health Supplemental Act, 1857, have, in pursuance of the Provisions of the 75th Section of the Local Government Act, 1858, and after complying with the requirements of that Section by duly giving and serving all notices thereby directed, presented a Petition under the seal of the said Local Board to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the said Local Board of Health to purchase certain pieces of land for improving the access to the Cattle Market within the aforesaid District.

And whereas the said Petition duly set forth and described the land and property intended to be taken by such Local Board for such purpose, and the names of the owners, lessees, and occupiers of the aforesaid pieces of land who have assented, dissented, or are neuter in respect of the taking thereof, or who have returned no answer to the notice issued by such Board; and such Petition prayed that the said Board might, with reference to such land and property, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid with respect to the purchase and taking of lands otherwise than by agreement; and on the receipt of such Petition, Her Majesty's Principal Secretary of State for the Home Department directed Alfred Dickens, Esq., the Inspector appointed for the purpose, to visit the said Borough, and the said Inspector has now inquired into the subject matter of such Petition, and has duly reported thereon.

Now, therefore, I, as Her Majesty's Principal Secretary of State for the Home Department, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make Order and direct—

That, from and after the passing of any Act of Parliament confirming this Order, the Local Board of Health for the Borough of Ipswich shall be empowered to put in force, with reference to the land and property referred to and described in the Schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of lands otherwise than by agreement.

Given under my hand, this Eighteenth day of April 1860.

(Signed) G. C. Lewis.

SCHE-

SCHEDULE referred to in the preceding Order.

The land and property proposed to be taken, as described in the foregoing Order by the Local Board of Health named therein, consist of a house, cottages, malting and other buildings, and about fifty rods and two hundred and thirty-one feet of land, situate respectively at the corner where a road from Old Friars Bridge and a road from New Friars Bridge unite in a road leading to a street there called Princes Street, and at the corner of a lane there called Currier's Lane, next the said road leading to Princes Street, and part of which lands and property is in the parish of Saint Mary at the Elms, and part in the parish of Saint Nicholas, in the Borough of Ipswich.

The following is a statement of the names of the owners, lessees, and occupiers of the said premises:—

Owner.	Lessee.	Occupier.
James Simpson - - -	- - -	James Simpson.
Susan Dearing - - William Bowell Simpson - Frederick Hayward (Mortgagee) - - -	- - -	Ellen Mann.
Susan Dearing - - William Bowell Simpson - Frederick Hayward (Mortgagee) - - -	- - -	Frederick Merry.
Susan Dearing - - William Bowell Simpson - Frederick Hayward (Mortgagee) - - -	- - -	William Skeet Read.

FAREHAM.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, *within the District of the Fareham Local Board of Health, in the County of Southampton, for the Purchase of Lands by the said Board for Improvements.—Local Government Act*, 1858.

Whereas, the Local Board of Health in and for the District of Fareham, in the County of Southampton, to which the Public Health Act, 1848, was duly applied by an Order of Her Most Gracious Majesty in Council, bearing date the fifth day of September 1849, have, in pursuance of the Provisions of the 75th section of the Local Government Act, 1858, and after complying with the requirements of that section by duly giving and serving all notices thereby directed, presented a Petition, under the Seal of the said Local Board, to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board of Health to purchase a certain piece of land and roadway, situate within the District of the said Local Board, and to enable such Board to construct thereon filtering and deodorizing Tanks and other Sewerage out-fall works for the aforesaid District.

And whereas the said Petition duly set forth the piece of land and the roadway intended to be taken by such Board for such purposes, and the names of the owners, lessees, and occupiers of the aforesaid pieces of land who have assented, dissented, and are neuter in respect of the taking of such pieces of land and buildings, or who have returned no answer to the notice issued by such Board; and such Petition prayed that the said Board might, with reference to such land, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid, with respect to the purchase and taking of land otherwise than by agreement; and on the receipt of such Petition, Her Majesty's Principal Secretary of State for the Home Department directed William Ranger, Esq., the Inspector appointed for the purpose, to visit the said district of Fareham, and the said Inspector has now inquired in the district aforesaid into the subject matter of such Petition, and has duly reported thereon.

Now, therefore, I, as Her Majesty's Principal Secretary of State for the Home Department, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make Order and direct—

That, from and after the passing of any Act of Parliament confirming this Order, the Local Board of Health for the District of Fareham, in the County of Southampton, shall be empowered to put in force, with reference to the land referred to and described in the Schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of land otherwise than by agreement.

Given under my hand, this Eighteenth day of April 1860.

(Signed) G. C. LEWIS.

SCHEDULE referred to in the preceding Order.

The Piece of Land and the Roadway proposed to be taken, as described in the foregoing Order, are the following; the figures referring to the figures on the Plan mentioned in the Petition of the Local Board of Health herein-before mentioned:—

Description of Land proposed to be taken.	Owner or Occupier.
Such parts of the two pieces of pasture or marsh-land, situate on the west side of and adjacent to Fareham Lake within the parish of Fareham, being numbered 1585 and 1586 of the Fareham Tithe Commutation Rentcharge map, the position and boundaries whereof are shewn on the Plan or Tracing annexed to the aforesaid Petition as are in such Plan or Tracing coloured red. Together with free right of carriage way to and from such parts from and to the Gosport and Wickham Turnpike road, along the occupation road called Saltern's Lane and the intermediate roadway—such land, so proposed to be taken by the said Local Board, being in quantity one acre or thereabouts.	James Fitchett Burrell, William Bracher Gator, Thomas Hewett, Trustees of the late James Fitchett Burrell, Esquire. Frederick John Burrell (Occupier).

WELLS.

Provisional Order repealing and altering Parts of a Local Act in force within the District of the Wells Local Board.—Local Government Act, 1858, *Sec.* 77.

Whereas the Mayor, Aldermen, and Burgesses of the City and Borough of Wells, in the County of Somerset, acting as the Local Board in and for the District of Wells, in which the Local Government Act, 1858, has been duly adopted, have, in pursuance of the said Act, presented a Petition to me, as one of Her Majesty's Principal Secretaries of State, praying for the alteration and partial repeal of a certain Local Act of Parliament in force within the said District, having relation to the purposes of the said Local Government Act, and not conferring powers or privileges upon any corporation, company, undertakers, or individuals for their own pecuniary benefit; that is to say,

An Act passed in the First and Second year of the reign of His late Majesty King George the Fourth, chapter twelve, intituled "An Act for more effectually repairing and improving certain roads leading to and from the City or Borough of Wells, in the County of Somerset, and for paving, cleansing, lighting, watching, and watering the said roads, and the streets, lanes, and public passages within the said City or Borough, the Liberty of Saint Andrew, and suburbs of the said City or Borough, and removing and preventing nuisances and annoyances thereon."

And whereas, in pursuance of the said Local Government Act, inquiry has been directed in the said District in respect of the several matters mentioned in the said Petition.

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such Order can be valid without confirmation by Parliament.

Now, therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order, under my hand, direct that from and after the passing of any Act of Parliament confirming this Order—

1.—All the powers and authorities, duties, regulations, and provisions comprised in the aforesaid Act of 1 & 2 Geo. IV., which relate to or affect the paving, cleansing, lighting, and watering of the said city and borough, and the removal and prevention of encroachments, nuisances, and annoyances therein, shall be transferred from the Trustees acting under the aforesaid Act, and shall be vested in and made operative on the Town Council of the said city and borough, acting as the Local Board thereof under the powers of the Local Government Act, 1858.

2.—The exemption from liability to rating, contained in Section 82 of the aforesaid Act of 1 & 2 Geo. IV., shall be and is hereby repealed, and the Town Council acting as such Local Board as aforesaid shall be and is hereby empowered and authorized to levy a general district rate on or in respect of all property situate within the district of such Local Board, according to the provisions of the Local Government Act, 1858.

3.—All

3.—All property and estate of the Trustees acting in the execution of the said Local Act of 1 & 2 Geo. IV., in their character or capacity exclusively of trustees for paving, cleansing, lighting, and watering the streets, lanes, and public passages in the said city and borough, shall be transferred to and vested in the said Local Board, and shall, as near as circumstances will permit, be held by the said Local Board upon the same trusts, and for the same purposes, as by such Trustees.

4.—All debts, monies, and securities for money contracted or payable by such Trustees in their character or capacity aforesaid shall be satisfied by the said Local Board out of such parts of the said transferred property and estate as would have been chargeable therewith if this Order had not been made, and shall be paid and satisfied by the said Local Board as by such Trustees.

5.—Provided always, that if such property and estate be insufficient for that purpose, the deficiency shall be charged upon the rates leviable under the said Local Government Act, 1858, in the parts only which would have been chargeable with such deficiency if this Order had not been made.

Given under my Hand this Eleventh day of May 1860.

(Signed) G. C. LEWIS.

TORMOHAM.

Provisional Order repealing and altering Parts of the Torquay Waterworks Act, 1856, *in force within the District of the Tormoham Local Board of Health.—Local Government Act*, 1858, *Sec.* 77.

Whereas the Local Board of Health for the District of Tormoham, in the County of Devon, have, in pursuance of the 77th Section of the "Local Government Act, 1858," presented a petition to me, as one of Her Majesty's Principal Secretaries of State, praying for the alteration of "The Torquay Waterworks Act, 1856," being an Act in force within the said district, having relation to the purposes of the said Local Government Act, and not conferring powers or privileges upon any Corporation, Company, Undertakers, or Individuals for their own pecuniary benefit.

And whereas by the 24th Section of the said Waterworks Act it is enacted, that the said Local Board from time to time may, by agreement, purchase any lands which they might think requisite for any of the purposes of the said Act, and on such terms and conditions as they may think fit, not exceeding five acres.

And whereas by the 31st Section of the said Waterworks Act it is enacted, that the works thereby authorized shall be completed within five years, and on the expiration of that period the powers thereby granted for making such works should cease to be exercised.

And by the 55th Section of the said Waterworks Act it is enacted, that the minimum amount to be set apart as a sinking fund for the payment of the

the principal monies borrowed under the said Act shall, from the expiration of such five years, be at such rate per centum per annum on the amount of such principal monies as should ensure the repayment thereof in fifty years.

And whereas the said Local Board have proceeded to execute the works authorized by the said Waterworks Act, and the said District is now supplied with water by means thereof, but it has been found expedient and necessary for the better and more effectually affording and maintaining such supply of water that larger reservoirs should be constructed than were contemplated by the said Act; and the said Local Board are desirous of obtaining powers to purchase about twenty acres of land in addition to the five acres of lands authorized to be purchased by the said Waterworks Act as aforesaid, and that the said Act should be otherwise altered as herein-after mentioned.

And whereas, in pursuance of the said Local Government Act, inquiry has been directed and made in the said District in respect of the several matters mentioned in the said Petition, and report duly made to me thereon.

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such Order can be valid without confirmation by Parliament.

Now, therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order, under my hand, direct that from and after the passing of any Act of Parliament confirming this Order—

1.—The powers contained in the said 24th Section of the said Waterworks Act enabling the said Local Board to purchase any lands by agreement as therein mentioned, not exceeding five acres, shall and may be used and exercised by the said Local Board for purchasing any quantity of land not exceeding twenty-five acres, in the same manner as if twenty-five acres had been originally mentioned in the said Waterworks Act instead of five acres; and the said Local Board may purchase such twenty-five acres of land, for the purpose of constructing, and may construct such reservoirs in any parish or parishes, place or places, as to the said Local Board shall seem expedient and necessary.

2.—The time within which it is enacted by the said 31st section of the said Waterworks Act, that the works thereby authorized shall be completed, and on the expiration of which time it is also enacted that the powers thereby granted for making such works shall cease to be exercised, shall be extended from five years, named in the said section, to three years from and after the passing of any Act of Parliament whereby this present Order shall be confirmed.

3.—The time fixed by the 55th section of the said Waterworks Act, for the commencement of a sinking fund for the payment of the principal monies borrowed under the said Act, shall be extended to the expiration of three years from the date of the passing of the Act of Parliament confirming this present Order.

Given under my hand this Eleventh day of May 1860.

(Signed) G. C. Lewis.

SCARBOROUGH.

Provisional Order repealing and altering Parts of a Local Act in force within the District of the Scarborough Local Board.—Local Government Act, 1858. *Sec.* 77.

Whereas the Local Board in and for the District of Scarborough, in the North Riding of the County of York, in which the Local Government Act, 1858, has been duly adopted, have, in pursuance of the said Act, presented a petition to me, as one of Her Majesty's Principal Secretaries of State, praying for the alteration and partial repeal of a certain Local Act of Parliament in force within the said district, having relation to the purposes of the said Local Government Act, and not conferring powers or privileges upon any corporation, company, undertakers, or individuals for their own pecuniary benefit, and for the repeal of all exemptions from rating under such Local Act, and for other purposes set forth in the aforesaid Petition; that is to say,

An Act passed in the Forty-fifth year of the reign of His late Majesty King George the Third, Chapter ninety-four, intituled "An Act for paving and "otherwise improving the Streets and other Places in the Township of "Scarborough, in the North Riding of the County of York, and for "licensing Hackney Coaches and establishing other Regulations in the "said Township."

And whereas, in pursuance of the said Local Government Act, inquiry has been directed in the said District in respect of the several matters mentioned in the said Petition.

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such Order can be valid without confirmation by Parliament.

Now, therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order, under my hand, direct that from and after the passing of any Act of Parliament confirming this Order—

1.—The parts of the said Local Act specified in the Schedule hereunto annexed shall be repealed.

2.—The powers, authorities, and duties of the Commissioners for the time being, acting in execution of the said Local Act, shall cease; and such of them as are granted or imposed by the unrepealed parts of the said Local Act shall, so far as they are not repugnant to or inconsistent with the said Local Government Act, or this Order, or any byelaw which shall be lawfully made under the said hereinbefore last-mentioned Act, be transferred to the said Local Board, and the officers and servants of the said Local Board, and shall be exercised as if they had been granted or imposed by the said last-mentioned Act, and for this purpose the unrepealed parts of the said Local Act shall be incorporated with the said Local Government Act as adopted by the said District, and all places within the limits of the said District shall be subject to the unrepealed parts of the said Local Act.

3.—All

3.—All property and estate of the Commissioners acting in the execution of the said Local Act, including all rates duly assessed under the provisions of the said Local Act, and not collected at the time of the passing of any Act confirming this present Order, shall be transferred to the said Local Board, who shall have all the powers for recovery of the said uncollected rates possessed by the said Commissioners before the confirmation of this Order, and shall, as near as circumstances will permit, be held by the said Local Board upon the same trusts, and for the same purposes, as by such Commissioners.

4.—All debts, monies, and securities for money contracted or payable by such Commissioners, shall be satisfied by the said Local Board out of such parts of the said transferred property and estate as would have been chargeable therewith if this Order had not been made, and shall be paid and satisfied by the said Local Board as by such Commissioners.

5.—Provided always, that if such property and estate be insufficient for that purpose, the deficiency shall be charged upon the rates leviable under the said Local Government Act, 1858, in the parts only which would have been chargeable with such deficiency if this Order had not been made, and the rates leviable by the said Local Board under the Local Government Act, 1858, may be mortgaged for the purpose of paying off any moneys borrowed on mortgage under the powers of the said Local Act, as if such debts had been contracted under the powers of the said Local Government Act.

Given under my Hand this Eleventh day of May 1860.

(Signed) G. C. LEWIS.

SCHEDULE to which this Order refers.

The parts of the Local Act (45 Geo. 3. cap. 94.) herein-before referred to in this Order to be repealed are as follows; that is to say,

All the sections of the said Act numbered respectively 1 to 22 both inclusive, so much of 23 as relates to Hackney Coaches, and to approval and confirmation of byelaws; so much of section 25 as relates to Hackney Coaches; 26 to 36, both inclusive; 58 to 90, both inclusive; and such part of any unrepealed section as fixes the amount of any penalty fixed by the Local Government Act, 1858; or fixed or to be fixed by any byelaw of the aforesaid Local Board, lawfully made under and by virtue of the provisions of the Local Government Act, 1858.

LUDLOW.

Provisional Order repealing a Local Act in force within the District of the Ludlow Local Board.—Local Government Act, 1858, *Sec.* 77.

Whereas the Town Council for the Borough of Ludlow, in the County of Salop, have duly adopted the Local Government Act, 1858, in and for the said Borough.

And whereas the said Town Council, acting as a Local Board under and for the purposes of the said herein-before mentioned Act, have, in pursuance thereof,

thereof, presented a Petition to me, as one of Her Majesty's Principal Secretaries of State, praying for the repeal of a certain Local Act of the Thirty-third year of George the Third, Chapter twenty-five, intituled "An "Act for paving the Footpaths within the Borough of Ludlow, in the "County of Salop, and for lighting, watching, and otherwise improving the "said Borough;" the said Local Act being an Act in force within the said District having relation to the purposes of the said Local Government Act, and not conferring powers or privileges upon any corporation, company, undertakers, or individuals, for their own pecuniary benefit.

And whereas, after due inquiry into the said Petition, it appears to me to be expedient to issue a Provisional Order in relation to the said matter, but no such Order can be valid without confirmation by Parliament.

Now, therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State as aforesaid, do, by this Provisional Order under my hand, direct that from and after the passing of any Act of Parliament confirming this Order—

1.—The said Local Act shall be repealed.

2.—All property and estate of the Commissioners acting in the execution of the said Local Act shall be and is hereby transferred to and vested in the said Local Board, and shall be held and applied by the said Local Board for the general purposes of such Local Board.

3.—All debts, monies, and securities for money contracted or payable by such Commissioners, shall be satisfied by the said Local Board out of such parts of the said transferred property and estate as would have been chargeable therewith if the herein-before recited Local Act had not been repealed, and shall be paid and satisfied by the said Local Board as by such Commissioners.

4.—Provided always, that if such property and estate be insufficient for the purposes aforesaid, the deficiency shall be charged upon the rates leviable under the said Local Government Act, 1858, in the parts only which would have been chargeable with such deficiency if this order had not been made.

Given under my Hand this Eighteenth day of April 1860.

(Signed) G. C. Lewis.

BANBURY.

Provisional Order for the partial Repeal and Alteration of a Provisional Order applying the Public Health Act, 1848, *to the District of Banbury, and of the First Public Health Supplemental Act*, 1852.—*Local Government Act*, 1858.

Whereas the Public Health Act, 1848, was duly applied to the District of Banbury, comprising the Corporate Borough of Banbury and the non-corporate townships, hamlets, or places of Neithrop, Hardwick, Calthorpe, Wickham, and Easington, in the County of Oxford, and Grimsbury and Nethercote in the County of Northampton (the same being an area co-extensive with the ecclesiastical

ecclesiastical Parish of Banbury), by a Provisional Order of the General Board of Health, bearing date the 28th day of July 1851, confirmed by the First Public Health Supplemental Act, 1852; and whereas by the 4th Section of the last herein-before mentioned Act it is provided, "That the rates leviable within the District of Banbury, as constituted by the Order in the Schedule to this Act, under the Public Health Act, 1848, or so much of any Local Act as remains unrepealed by the Provisional Order applying the said Public Health Act within the said District, or any Act incorporated with the said Public Health Act, as applied to the said District by the said Order and this Act, shall not, inclusive of all highway rates, in any one year exceed in the whole the sum of three shillings and sixpence in the pound upon the net annual value of property assessable thereto within the corporate part of any such District, or the sum of two shillings in the pound upon the net annual value of property assessable to such rates, or any of them, within the non-corporate part of the said District, except property within the non-corporate part of the said District consisting of land used as arable, meadow, or pasture ground only, or as woodlands, market gardens, or nursery grounds, land covered with water, or used only as a canal or towing path for the same, or as a railway constructed under the powers of any Act of Parliament for public conveyance; and as to such excepted property, the rates so leviable, inclusive of all highway rates, shall not in any one year exceed in the whole the sum of sixpence in the pound upon the net annual value of such excepted property."

And whereas the provisions contained in the said Section of such Act, so far as the same are applicable to that portion of the non-corporate part of the aforesaid District of Banbury therein mentioned which is situated in the County of Oxford, have been found to operate unfairly and oppressively as between the ratepayers of and in such portion who are now by law assessed at the full net annual value of their property, and the ratepayers of and in such portion who are now by law assessed at one fourth of the full net annual value of their property within the District aforesaid; and whereas the said Local Board of Health have, in pursuance of the provisions of the 77th Section of the Local Government Act, 1858, presented a Petition to me, as one of Her Majesty's Principal Secretaries of State, praying that the provisions contained in the Provisional Order applying the Public Health Act, 1848, to the aforesaid District of Banbury, and in the First Public Health Supplemental Act, 1852, may be partially repealed or altered, and such new provision made as would empower the said Local Board of Health for the time being to levy, throughout the non-corporate parts of such District situate in the County of Oxford, highway rates not exceeding in any one year the sum of one shilling in the pound, and enact that the land and other property in the last herein-before mentioned parts of such District which, by the provisions of the Public Health Act, 1848, are assessable on one fourth only of the annual value thereof, should not, in any year in which the same should be assessed to any Highway Rates or Rates, be assessed to or liable to the paying of any other rates whatever to be made by the said Local Board.

And whereas, in pursuance of the said Local Government Act, inquiry has been directed in the said District in respect of the several matters mentioned in the said Petition.

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such Order can be valid without confirmation by Parliament.

Now, therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order, under my hand, direct that from and after the passing of any Act of Parliament confirming this Order—

The Local Board of Health for the said District shall, and they are hereby required, when and so often as occasion shall require, to make and levy, in accordance with the general powers of rating now vested in the said Board and in conformity with the provisions contained in the 5th and 6th parts of the 37th Section of the Local Government Act, 1858, and in addition to the several rates and amounts respectively which they are now authorized and empowered to make and levy under and by virtue of the herein-before recited First Public Health Supplemental Act, 1852, a highway rate or rates not exceeding in any one year the sum of one shilling in the pound upon the full net annual value of all assessable property which is situate within that portion of the non-corporate part of the said District which lies in the County of Oxford, for the purpose of defraying the costs, charges, and expenses of and incidental to the maintenance and repair of highways in the said portion of the said District; and that such rate or rates so to be made and levied under and in pursuance of the powers and authorities herein-before contained shall be exclusively used and applied for the purposes aforesaid: Provided always, that when and so often as any highway rate or rates shall in any one year be made and levied under and in pursuance of the powers and authorities herein-before contained, then and so often the said Local Board shall not be empowered to assess or levy in such year, under and by virtue of the powers contained in the said First Public Health Supplemental Act, 1852, upon the following species of property within the said portion of the said District; (that is to say,) upon land used as arable, meadow, or pasture ground only, or as woodlands, market gardens, or nursery grounds, land covered with water, or used only as a canal, or towing path for the same, or as a railway constructed under the powers of an Act of Parliament for public conveyance, any rate or rates which the said Local Board is now empowered to assess and levy upon the said several species of property, under and by virtue of the said powers contained in the First Public Health Supplemental Act, 1852, aforesaid.

Given under my hand this Eighteenth day of April 1860.

(Signed) G. C. Lewis.

BOSTON.

Provisional Order repealing and altering Parts of Local Acts in force within the District of the Boston Local Board.—Local Government Act, 1858, *Sec.* 77.

Whereas the Mayor, Aldermen, and Burgesses of the Borough of Boston, in the County of Lincoln, acting as the Local Board in and for the District of

of Boston, in which the Local Government Act, 1858, has been duly adopted, have, in pursuance of the said Act, presented a Petition to the Right Honorable T. Sotheron Estcourt, as one of Her Majesty's then Principal Secretaries of State, praying for the alteration and partial repeal of certain Local Acts of Parliament in force within the said district, having relation to the purposes of the said Local Government Act, and not conferring powers or privileges upon any corporation, company, undertakers, or individuals for their own pecuniary benefit; that is to say,

An Act passed in the Sixteenth year of the reign of His late Majesty King George the Third, Chapter twenty-five, intituled "An Act for lighting "and watching the streets, lanes, and other public passages and places "within the Borough of Boston, in the County of Lincoln, and for "removing and preventing nuisances, annoyances, and obstructions "therein."

An Act passed in the forty-sixth year of the reign of His said Majesty King George the Third, Chapter forty-one, intituled "An Act for "amending and rendering more effectual an Act passed in the Sixteenth "year of His present Majesty, for lighting and watching the streets, "lanes, and other public passages and places within the Borough of "Boston, in the County of Lincoln, and for removing and preventing "nuisances therein."

An Act passed in the Thirty-second year of the reign of His said Majesty King George the Third, Chapter eighty, intituled "An Act for better "paving, cleansing, and otherwise improving the Borough of Boston, in "the County of Lincoln." And

An Act passed in the Forty-sixth year of the reign of His late Majesty King George the Third, Chapter forty, intituled "An Act for amending "and rendering more effectual an Act passed in the Thirty-second "year of His present Majesty, for better paving, cleansing, and other-"wise improving the Borough of Boston, in the County of Lincoln."

And whereas, in pursuance of the said Local Government Act, inquiry has been directed in the said District in respect of the several matters mentioned in the said Petition.

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such Order can be valid without confirmation by Parliament.

Now, therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order, under my hand, direct that from and after the passing of any Act of Parliament confirming this Order—

1.—The parts of the said Local Acts specified in the Schedule hereunto annexed shall be repealed.

2.—The powers, authorities, and duties of the Commissioners for the time being, acting in execution of all or any of the said Local Acts, shall cease; and such of them as are granted or imposed by the unrepealed parts of the said Local Acts shall, so far as they are not repugnant to, or inconsistent with, the said Local Government Act, or this Order, or any byelaw which shall be lawfully made under the said herein-before last-mentioned Act, be transferred to the said

Local,

Local Board, and the officers and servants of the said Local Board, and shall be exercised as if they had been granted or imposed by the said last-mentioned Act, and for this purpose the unrepealed parts of the said Local Acts shall be incorporated with the said Local Government Act as adopted by the said Borough, and all places within the limits of the said Borough shall be subject to the unrepealed parts of the said Local Acts.

3.—All property and estate of the Commissioners acting in the execution of the said Local Acts shall be transferred to the said Local Board, and shall, as near as circumstances will permit, be held by the said Local Board upon the same trusts, and for the same purposes, as by such Commissioners.

4.—All debts, monies, and securities for money contracted or payable by such Commissioners, shall be satisfied by the said Local Board out of such parts of the said transferred property and estate as would have been chargeable therewith if this Order had not been made, and shall be paid and satisfied by the said Local Board as by such Commissioners.

5.—Provided always, that if such property and estate be insufficient for that purpose, the deficiency shall be charged upon the rates leviable under the said Local Government Act, 1858, in the parts only which would have been chargeable with such deficiency if this Order had not been made.

6.—If the office of clerk to the Commissioners acting in execution of all or any of the said Local Acts shall, by reason of the transfer of the powers of the said Commissioners to the said Local Board, be superseded, or if the said clerk shall at any time within the space of three years next after the passing of an Act confirming this Order, except for misconduct, be removed from such office, and not be employed and retained in an office of equal value by the said Local Board, the said clerk shall be entitled to have an adequate compensation for the profits, salary, and emoluments of the said office, the said compensation to be by way of annuity or otherwise, and to be assessed by the Commissioners of Her Majesty's Treasury, upon the report of the said Local Board, to be made within three months after any such person shall have been superseded in his office, founded upon a declaration made by such person, setting forth the salary, profits, and emoluments derived by him and his predecessors for every year during a period of five years next before the day when he shall have ceased to hold such office, and such other evidence as the said Local Board may require as to the amount, nature, and particulars of such profits, and in assessing the same regard shall be had to the manner of his appointment to such office, and his term therein; and the said Local Board shall, from time to time, pay to the person entitled to compensation out of general district rates the money which shall, upon such report, and any appeal or reclamation against the same, be finally awarded by the Commissioners of Her Majesty's Treasury, as the same shall become due and be payable.

Given under my Hand this Eighteenth day of April 1860.

(Signed) G. C. Lewis.

SCHE-

SCHEDULE to which this Order refers.

The parts of the Local Acts herein-before referred to in this Order to be repealed are as follows; that is to say,

All the sections of the Boston Lighting and Watching Act, 16 George 3, c. 25., save and except the sections respectively numbered 12 and 24.

All the sections of the amended Boston Lighting and Watching Act, 46 George 3. c. 41., save and except section 1.

All the sections of the Boston Paving Act, 32 George 3. c. 80., save and except the sections respectively numbered 12 and 34.

And all the sections of the amended Boston Paving Act, 46 George 3. c. 40., save and except section 9.

PENRITH.

Provisional Order for extending the Borrowing Powers of the Penrith Local Board of Health.—Local Government Act, 1858.

Whereas, by an Order of Her most Gracious Majesty in Council, bearing date the Twenty-fifth day of June 1851, the Public Health Act, 1848, was duly applied to the Parish of Penrith, in the County of Cumberland, and the said Parish was thereby constituted a District under that Act.

And whereas the Local Board of Health of the said District have borrowed under that Act, and with the authority of the General Board of Health, various sums to defray the expense of works for sewering, and supplying water to, the said District, which said sums at the time the borrowing of them was sanctioned nearly equalled the assessable value for one year of the premises assessable under that Act within the District which the said works were intended to benefit, but were not sufficient to defray the cost of completing the works for the purposes aforesaid.

And whereas the said Local Board of Health have, under the authority of the 78th Section of the Local Government Act, 1858, petitioned me, as one of Her Majesty's Principal Secretaries of State, for power to borrow and reborrow on mortgage of the Rates leviable by the said Board under the Public Health Act, 1848, and the Local Government Act, 1858, a sum or sums not exceeding in the whole one year and a quarter's assessable value of the property assessable within the aforesaid District; the said sum or sums to be repaid within a period of fifty years from the date of the borrowing thereof.

And whereas, after due inquiry and report by William Ranger, Esquire, the Inspector appointed for the purpose, it appears expedient that the prayer of such petition should be granted; but the same cannot be done without the consent of Parliament.

Now, therefore, in pursuance of the power vested in me, as one of Her Majesty's Principal Secretaries of State, by the said Local Government Act, I do hereby, by this Provisional Order under my Hand, direct as follows:—

 That

That from and after the passing of any Act of Parliament confirming this present Order,—

The Local Board of Health for the District of Penrith, in the County of Cumberland, shall have power and authority to borrow or re-borrow, for the purposes aforesaid, on mortgage of the rates leviable by them under the Public Health Act, 1848, and the Local Government Act, 1858, an amount not exceeding in the whole one year and a quarter's assessable value of the property, assessable within the said District of Penrith, under the aforesaid Acts (the sum of 11,498*l.* already borrowed by them under the Public Health Act, 1848, being taken as part of the said amount of one year and a quarter's assessable value), the said entire amount to be repaid, with interest thereon, within a period of fifty years from the date of the borrowing thereof.

Given under my Hand this Eighteenth day of April 1860.

(Signed) G. C. Lewis.

BARNSLEY.

Provisional Order for extending the Borrowing Powers of the Barnsley Local Board of Health.—Local Government Act, 1858.

Whereas, by a Provisional Order of the General Board of Health, bearing date the Ninth day of November 1852, confirmed by the Public Health Supplemental Act, 1853 (No. 1), the Public Health Act, 1848, was duly applied to the Township of Barnsley, in the County of York, and the said Township was thereby constituted a District under that Act.

And whereas the said Local Board have borrowed under that Act, and with the authority of the General Board of Health, sums, amounting in the whole to Twenty-nine thousand four hundred Pounds, to defray the expense of a portion of the works for supplying water to the said District, and for other works of a permanent nature under the aforesaid Act, which said sums nearly equal the assessable value for one year of the premises assessable under that Act within such District, but are not sufficient to defray the remainder of the cost of the aforesaid works of water supply, and of works for the sewerage of such District.

And whereas the said Board have now, under the authority of the 78th Section of the Local Government Act, 1858, petitioned me, as one of Her Majesty's Principal Secretaries of State, for powers to borrow or re-borrow for such works, on mortgage of the rates leviable by the aforesaid Local Board of Health under the powers of the Public Health Act, 1848, and the Local Government Act, 1858, a sum or sums which shall not exceed in the whole two years assessable value of the premises assessable within the District in respect of which such sum or sums may be borrowed or re-borrowed, such sum or sums to be repaid within a period of fifty years.

And whereas after due inquiry and report by William Ranger, Esquire, the Inspector appointed by me for the purpose, I am of opinion that the prayer of such Petition should be granted; but the same cannot be done without the consent of Parliament.

Now,

Now, therefore, in pursuance of the power now vested in me as one of Her Majesty's Principal Secretaries of State, as aforesaid, I do hereby, by this Provisional Order under my Hand, direct as follows :—

That, from and after the passing of any Act of Parliament confirming this present Order—

1.—The Local Board of Health for the District of the Township of Barnsley, in the County of York, shall have power and authority to borrow or to re-borrow, for the execution and completion of the aforesaid works within such District, and on mortgage of the rates leviable by them under the aforesaid Acts, an amount not exceeding in the whole two years' assessable value of the premises assessable under such Acts within the aforesaid District, to be repaid, with interest thereon, within a period of fifty years from the date of the borrowing thereof.

Given under my Hand this Eighteenth day of April 1860.

(Signed) G. C. Lewis.

SHIPLEY.

Provisional Order for extending the Borrowing Powers of the Shipley Local Board of Health.—Local Government Act, 1858.

Whereas, by an Order of Her most Gracious Majesty in Council, bearing date the Twenty-first day of February 1853, the Public Health Act, 1848, was duly applied to the Township of Shipley, in the Parish of Bradford, in the County of York, and the said Township was thereby constituted a District under that Act.

And whereas the Local Board of Health of the said District have borrowed under that Act, and under the Shipley Waterworks and Police Act, 1854, sums amounting in the whole to Twenty-nine thousand five hundred Pounds, to defray the expense of a portion of the works for sewering, and supplying water to, the said District, which said sums at the time the borrowing of them was sanctioned equalled the assessable value for one year of the premises assessable under that Act within such District, and the amount authorized by the second herein-before cited Act to be borrowed, but such sums were not sufficient to defray the cost of completing the works for the purposes aforesaid.

And whereas the said Local Board have, under the authority of the 78th Section of the Local Government Act, 1858, petitioned me, as one of Her Majesty's Principal Secretaries of State, for power to borrow or reborrow, for or on account of such works of sewerage and water supply, a further sum or sums, not exceeding in the whole two years' assessable value of the premises assessable within such District; and whereas the said further sum or sums are proposed to be repaid within a period of fifty years from the date of the borrowing thereof.

And whereas, after due inquiry and report by Alfred Dickens, Esquire, the Inspector appointed for the purpose, it appears expedient that the prayer of such Petition should, to the extent herein-after set forth and described, be granted; but the same cannot be done without the consent of Parliament.

Now,

Now, therefore, in pursuance of the power now vested in me, as one of Her Majesty's Principal Secretaries of State, I do hereby, by this Provisional Order under my Hand, direct as follows:—

That from and after the passing of any Act of Parliament confirming this present Order—

The Local Board of Health for the District of Shipley, in the County of York, shall have power and authority to borrow or reborrow, for the execution and completion of works of sewerage and water supply within such District, on mortgage of the rates leviable by them under the Local Government Act, 1858, an amount not exceeding in the whole Five thousand Pounds, over and above the amount already borrowed by the said Local Board, the said amount to be repaid, with interest thereon, within a period of fifty years from the date of the borrowing thereof.

Given under my Hand this Eighteenth day of April 1860.

(Signed) G. C. Lewis.

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ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

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CAP. XLV.

An Act to extend the Act of the Eighth and Ninth Years of *Victoria*, Chapter Twenty-six, for preventing fishing for Trout or other Fresh-water Fish by Nets in the Rivers and Waters in *Scotland*. [23d *July* 1860.]

WHEREAS by the Act Eighth and Ninth Victoria, Chapter Twenty-six, intituled *An Act to prevent fishing for Trout or other Fresh-water Fish by Nets in the Rivers and Waters in* Scotland, Provision is made for preventing the Destruction of Trout and other Fresh-water Fish by Nets in the Rivers, Waters, and Lochs of *Scotland:* And whereas there are various other Ways by which Trout and other Fresh-water Fish may be destroyed which have not yet been declared illegal: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same: 8 & 9 Vict. c. 26.

I. That it shall not be lawful for any Person whatsoever, (except as herein-after provided,) at any Time after the passing of this Act, to fish for Trout or other Fresh-water Fish in any River, Water, or Loch in *Scotland*, with any Net of any Kind or Description, or by what is known as Double Rod Fishing, or Cross Line Fishing, or Set Lines; or Otter Fishing, or Burning the Water, or by striking the Fish with any Instrument, or by Pointing, or to put into the Water Lime or any other Substance destructive to Trout or other Fresh-water Fish with Intent to destroy the same; and if any Person shall wilfully take, fish for, or attempt to take, or aid and assist in Fishing for Trout, &c. by means of Nets, &c. in any Rivers, &c. in Scotland prohibited.

in taking or fishing for, or attempting to take or fish for, in or from any such River, Water, or Loch, any Trout or other Fresh-water Fish by or with any Net of any Kind or Description, or by Double Rod Fishing, or Cross Line Fishing, or by Set Lines, or Otter Fishing, or by Burning the Water, or striking the Fish with any Instrument, or by Pointing, or by putting into the Water Lime or any other Substance destructive to Trout or other Fresh-water Fish with Intent to destroy the same, such Person shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, besides forfeiting the Trout or Fish taken, and also every Boat or Net, Tackle, Instrument, or other Article in or by which the same may have been taken or attempted to be taken, and shall also pay the full Expenses of the Conviction: Provided that nothing in this Act contained shall prevent any Person having the Right to fish in any River, Water, or Loch in *Scotland*, or any Person having Permission from such Person, from exercising the Right of fishing in such River, Water, or Loch in any Mode not prohibited by Law prior to the passing of this Act.

Penalty.

Nothing to prevent Persons having Rights, &c. to fish.

II. If any Person shall trespass upon any Ground, enclosed or unenclosed, or in or upon any River, Water, or Loch, with Intent to take any Trout or other Fresh-water Fish, with any Net, Double Rod, Cross Line, Set Line, or Otter, or by Burning the Water, or by striking the Fish with any Instrument, or by Pointing, or to destroy the Fish by putting Lime or other Substance destructive to Trout or other Fresh-water Fish into the Water, such Person shall forfeit and pay a Sum not exceeding Five Pounds for every such Offence.

Penalty for trespassing on any Ground or River to fish with Net, &c.

III. It shall be lawful for any Person, having the Authority of the Proprietor of Land through or past which the River or Water flows or upon which the Loch is wholly or partially situate, to seize and detain any Boat or Net of any Description, Double Rod, Cross Line, Set Line, or Otter, or Materials for Burning the Water, or Instruments for striking the Fish, or for Pointing, or Lime or other Substance destructive to Trout or other Fresh-water Fish, used or intended to be used in the Commission of any such Offence, and also any Fish taken by any such Offender, and to give Information thereof to the Sheriff or Justice of the Peace.

Power to Persons having Authority to seize Boats, Nets, &c. used in Commission of Offences.

IV. All Justices of the Peace shall and may act in the Execution of this Act notwithstanding that such Justices shall be the Proprietors of Land through or past which any River or Water may flow, or upon which any Loch may be wholly or partially situated, or shall otherwise have a Right of Trout or Fresh-water Fishing in any such River, Water, or Loch, except in Cases in which the Offence has been committed on the Property of such Justice, or in which such Justice is a Party to the Prosecution of the Case, or is directly interested in the Result thereof; and no such Proprietor or Party having

Justices who are Proprietors not to be disqualified from acting.

having Right as aforesaid shall be incompetent as a Witness to prove any Offence committed against this Act by reason of his being such Proprietor or having such Right.

V. And for the Recovery of the Penalties and Forfeitures imposed by this Act, be it enacted, That any such Penalties or Forfeitures may be recovered by summary Proceeding upon Complaint in Writing made by the Procurator Fiscal or by any Party prosecuting for the same to the Sheriff or any Justice of the Peace for the County in which such Offence shall be committed, or to the Sheriff or any Justice of the Peace for any County in which the Offender may be found, and on such Complaint such Sheriff or Justice of the Peace shall issue a Warrant for bringing the Party complained against immediately before him, or shall issue an Order requiring such Party to appear at a Time and Place to be named in such Order; and every such Order shall be served on the Party complained against by any County Officer, either by delivering to such Party personally or by leaving with some Inmate at his usual Place of Abode a Copy of such Order, and of the Complaint whereon the same has proceeded; and either upon the Appearance or the Default to appear of the Party complained against it shall be lawful for the Sheriff or Justice to proceed to the hearing of the Complaint; and upon Proof of the Offence, and without any written Pleadings or Record of Evidence, to convict the Offender, and upon such Conviction to decern, adjudge, and sentence him to pay the Penalty or Forfeiture incurred, and the Expenses attending the Conviction, and to grant Warrant for imprisoning him until such Penalty or Forfeiture and Expenses shall be paid: Provided always, that such Warrant shall specify the Amount of such Penalty or Forfeiture and Expenses, and shall also specify a Period at the Expiration of which the Party shall be discharged, notwithstanding such Penalty or Forfeiture and Expenses shall not have been paid, and which Period shall in no Case exceed Two Months; and it shall be lawful for the Sheriff or Justice to make such Orders concerning the immediate Disposal of any Boat, Net, Double Rod, Cross Line, Set Line, or Otter, or Materials for Burning the Water, or Instruments for striking the Fish, or for Pointing, or Lime or other Substance destructive to Trout or other Fresh-water Fish, or Fish seized or forfeited under the Provisions of this Act, as may be necessary.

For the Recovery of Penalties.

VI. It shall be lawful for any Person who shall think himself aggrieved by any Judgment of the Sheriff or Justice of Peace pronounced in any Case arising under this Act to appeal from the same to the next Circuit Court of Justiciary, or, where there are no Circuit Courts, to the High Court of Justiciary at *Edinburgh*, in the Manner and by and under the Rules, Limitations, Conditions, and Restrictions contained in an Act passed in the Twentieth Year of the Reign of his Majesty King *George* the Second, for taking away and abolishing Heritable

Power to appeal in manner as in 20 G. 2. c. 43.

Heritable Jurisdiction in *Scotland*, with this Variation, that such Person shall, in place of finding Caution in the Terms prescribed by the said Act, be bound to find Caution to pay the Penalty or Forfeiture and Expenses awarded against him by the Sentence appealed from in the event of the Appeal being dismissed or not insisted in, together with any additional Expenses that may be awarded by the Court on deciding or dismissing the Appeal; and it shall not be competent to appeal from or bring the Judgment of any Sheriff or Justice of Peace acting in the Execution of this Act under Review, by Advocation or Suspension or by Reduction, or in any other Way than as herein provided.

Application of Penalties.

VII. All Penalties and Forfeitures imposed under the Authority of this Act shall, when levied, be paid, the one Half thereof to the Prosecutor and the other Half to the Inspector of the Poor of the Parish within which the Offence shall have been committed, on behalf of such Poor.

Limitation of Actions.

VIII. No Prosecution or other Proceeding whatever shall be brought or commenced against any Person for any Offence against this Act, unless the same shall be commenced within Three Months after such Offence shall have been committed.

Interpretation of Terms.

IX. The Words "River," "Water," or "Loch" occurring in this Act shall mean and include any Stream, Burn, Millpool, Mill-lead, Milldam, Sluice, Pond, Cut, Canal, and Aqueduct, and every other Collection or Run of Water in which Trouts and other Fresh-water Fish breed, haunt, or are found or preserved; the Word "Sheriff" shall mean the Sheriff or Steward of the County in which the Offence happens or Case arises, and shall include the Sheriff-Substitutes of such Sheriffs; the Expression "Justice of the Peace" shall mean a Justice of the Peace of the County in which the Offence happens or Case arises; and the Expression "County Officer" shall mean and include Sheriff's Officer, Constable, or any Officer of the County Police Force.

Saving the Laws regarding the Salmon Fisheries.

X. Nothing herein contained shall affect any Act of Parliament, General or Local, passed for the Preservation of the Salmon Fisheries in *Scotland*, or in relation to the fishing of Salmon or Fish of the Salmon Kind in *Scotland*.

Saving the Laws regarding fishing with Single Rod.

XI. Nothing herein contained shall affect or apply to the killing of Trout or other Fresh-water Fish with Single Rod and Line which shall be regulated by the Laws in existence prior to the passing of this Act.

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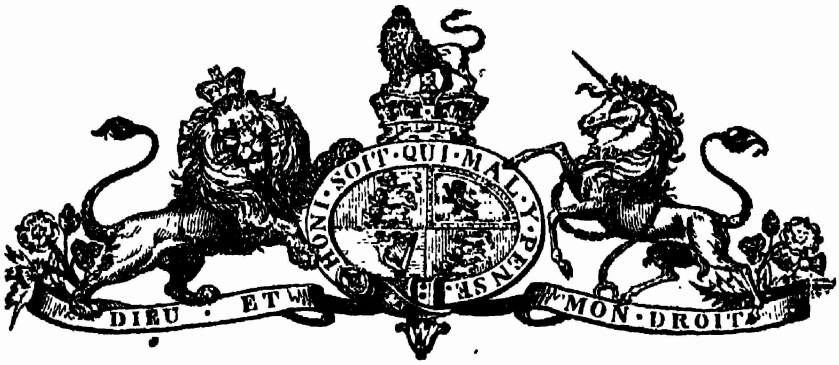

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VICTORIÆ REGINÆ.

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vested in the Commissioners: And whereas it is expedient that the subsisting Powers of the recited Acts relating to the said Canals should be amended and enlarged, and that further Powers should be conferred on the Commissioners for the Maintenance, Management, and Regulation of the said Canals: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. This Act may be cited for all Purposes as "The *Caledonian* and *Crinan* Canals Amendment Act, 1860."

Interpretation of Terms.

II. The following Expressions in this Act shall have the Meanings hereby assigned to them; that is to say, the Expression "the Canals" shall mean and include the whole Navigations of the *Caledonian* Canal and the *Crinan* Canal, and all the Harbours, Wharfs, Quays, Basins, and other Works connected therewith respectively; and the Expression "the Commissioners" shall mean the Commissioners of the *Caledonian* Canal, incorporated by the recited Act Eleventh and Twelfth *Victoria*, Chapter Fifty-four.

8 & 9 Vict. c. 18. incorporated.

III. "The Lands Clauses Consolidation (*Scotland*) Act, 1845," so far as not altered by this Act, is hereby incorporated with this Act, and shall apply to the Canals, with the Exception of the Clauses with respect to the following Matters; that is to say, with respect to the Purchase and taking of Lands otherwise than by Agreement; with respect to the Entry upon Lands by the Promoters of the Undertaking; with respect to small Portions of intersected Land; and with respect to Lands acquired by the Promoters of the Undertaking, but which shall not be required for the Purposes thereof; and the Expression "the Promoters of the Undertaking" in the said Act shall mean the Commissioners under this Act.

10 & 11 Vict. c. 16. incorporated.

IV. "The Commissioners Clauses Act, 1847," so far as not altered by this Act, is hereby incorporated with this Act, with the Exception of the Clauses with respect to the following Matters; that is to say, with respect to the Qualification of Commissioners; with respect to the Election and Rotation of the Commissioners, where the Commissioners are to be elected by the Ratepayers, or other like Class of Electors; with respect to the Meetings and other Proceedings of the Commissioners, and their Liabilities; and with respect to the Accounts to be kept by the Commissioners; and also with the Exception of Section Eighty-four; and the Word "Commissioners" in the said Act shall mean the Commissioners under this Act.

10 & 11 Vict. c. 27. incorporated.

V. "The Harbours, Docks, and Piers Clauses Act, 1847," so far as not altered by this Act, is hereby incorporated with this Act, and

and shall apply to the Canals, with the Exception of the Clauses with respect to the following Matters; that is to say, with respect to the Construction of the Harbour, Dock, or Pier; with respect to the Construction of Works for the Accommodation of the Officers of Customs; with respect to Life Boats; with respect to keeping a Tide and Weather Gauge; and with respect to the Police of the Harbour, Dock, or Pier; and also with the Exception of Sections Twenty-five and Twenty-six; and the Expression "the Harbour, Dock, or Pier" in the said Act shall mean the Canals under this Act; and the Expression "the Undertakers" in the said Act shall mean the Commissioners under this Act; and the Word "Harbour Master" in the said Act shall extend to and include "Lock Keeper."

Commissioners authorized to maintain the Canals.

VI. It shall be lawful for the Commissioners, from Time to Time and at all Times hereafter, to support, maintain, and improve, and to use the Canals, together with all Harbours, Basins, Reservoirs, Aqueducts, Feeders, Water Tanks, Fens, Dams, Embankments, Weirs, Locks, Sluices, Culverts, Drains, Soughs, Tunnels, Arches, Piers, Bridges, Banks, Fences, Ways, Roads, Towing Paths, Landing Places, Docks, Quays, Wharfs, Warehouses, Toolhouses, Houses, and other Buildings, Cranes, Weighing Machines, Engines, and other Works and Appurtenances to the Canals respectively belonging or in anywise appertaining, and to do and perform all such Acts as the Commissioners shall think expedient for maintaining, repairing, improving, and supporting the Canals and the Appurtenances belonging thereto, and for the full Use and Enjoyment thereof; and it shall be lawful for the Commissioners to widen and enlarge the Canals and the Works thereto belonging, and to raise the Banks or sink the Bed of the Canals, in such Place or Places and in such Way and Manner as the Commissioners shall think fit, for making the same not less than Ten Feet and not more than Twenty Feet Depth of Water, and this Act shall be sufficient to indemnify the Commissioners, and their Deputies, Servants, Agents, and Workmen, and all other Persons whomsoever, for what they or any of them shall do by virtue of the Powers hereby granted; subject, nevertheless, to the Provisions and Restrictions herein contained: Provided always, that nothing herein contained shall enable the Commissioners to purchase or take any Lands or Grounds for any of the Purposes aforesaid without the Consent of the Owners and Occupiers of such Lands or Grounds.

Power to allow Use of Water to Manufactories and Works on the Sides of the Canals.

VII. The Twenty-second Section of the recited Act, Forty-fourth *George* the Third, Chapter Sixty-two, is hereby repealed, and henceforth it shall be lawful for the Commissioners to license or grant Permission to all Persons who already have erected or may hereafter erect and establish any Manufactory, Distillery, or other Works near to

to the Canals or either of them to lay Pipes (of such Size and Dimensions as the Commissioners shall think proper) through the Banks thereof, for conducting the Water therefrom to such Manufactory, Distillery, or other Work, for the Purposes thereof; and all such Pipes shall be placed, at the Sight and under the Direction and Superintendence of the Commissioners, in such Way and Manner as the Commissioners shall direct and appoint, so as not to weaken or endanger the Banks of the Canals, and shall be so laid, and the Works they are intended to serve so constructed and situated, that the Level of the Surface Water of the Canals shall not at any Time be affected thereby, and that the Water, after serving the Purposes of such Works, shall be returned into the Canals, or into the Rivers, Streams, or Watercourses adjacent thereto or communicating therewith, and free from any Mud or Impurity which may be injurious thereto; and no Person shall lay any such Pipe into the Canals or either of them without a previous Order in Writing of the Commissioners, who shall and may from Time to Time establish such other Rules and Regulations as they shall think fit for the Supply in particular Cases, and the proper Use of the Water hereby authorized to be given for the Purposes aforesaid, (the same not being contrary to the Law of *Scotland*,) and who may remove every Pipe laid without their Consent, and stop or cut off the Supply of Water to any such Manufactory, Distillery, or other Work in or for which the same shall not be used agreeably to this Act or such Rules and Regulations; and it shall be lawful for the Commissioners to provide in any Licence or Agreement to or with any such Persons suitable Penalties for the Infringement of the said Rules and Regulations, not exceeding Ten Pounds Sterling for each Offence, and not exceeding Five Pounds Sterling for each Day during which the Infringement of such Rules and Regulations shall continue after Notice shall have been given to the Person or Persons so offending to abate or remove the same: Provided, that nothing herein contained shall authorize the Commissioners to diminish the Streams by which the Salmon have Ingress into the Loch *Lochy*, the Loch *Oich*, and the Loch *Ness*.

Power to Commissioners to run off the Water from the Canals, and stop the Supplies to such Works.

VIII. It shall be lawful for the Commissioners, when and as often as they shall think proper, to run off the Water from the Canals or either of them, for the Purpose of repairing the same or any Part thereof respectively, or for any other Purpose whatsoever, and in case of a Scarcity or apprehended Scarcity of Water for the Purposes of the Canals or either of them, to stop the Supplies to the said Manufactories, Distilleries, and other Works, without giving any Notice to the Proprietors or Occupiers thereof, and without being liable for any Damage any such Proprietor or Occupier may suffer or pretend to suffer by being thereby deprived of the Use of such Water

IX. It shall be lawful for the Commissioners to enclose with Walls or other Fences and locked Gates, with Keepers placed thereon for opening and shutting the same, such of the said Quays or Wharfs, or Parts thereof, as the Commissioners may think fit, and to exclude from the said Quays or Wharfs so to be enclosed all and every Person or Persons who may not have Business to transact within the said enclosed Quays or Wharfs.

Power to enclose Quays and Wharfs.

X. From and after the passing of this Act, it shall be lawful for the Commissioners to demand, take, and recover the following Rates and Duties; that is to say,

Power to levy Rates and Duties as herein named.

On all Goods whatever navigated or conveyed along either of the Canals or any Part thereof respectively, a Duty not exceeding Threepence *per* Ton *per* Mile; or on all Vessels so navigated or conveying such Goods along the Canals or either of them, or any Part thereof respectively, a Duty not exceeding Twopence *per* Mile for every Ton Burden of such Vessels respectively, according to their respective Registers or Measurements:

On all light Vessels without a Lading, or in Ballast only, so navigated, a Duty not exceeding One Penny *per* Mile for every Ton Burden of such Vessels respectively, according to their respective Registers or Measurements:

On every Vessel lying in any of the Harbours and Basins on the Line of the Canals or either of them, a Duty not exceeding Sixpence *per* Ton:

On every Ton of Timber lying in any Part of the Canals or either of them, a Duty not exceeding Fourpence *per* Ton *per* Month; and in the same Proportion for any greater or less Quantity than a Ton, or for a longer or shorter Time than a Month:

On all Passengers, Animals, and Carriages shipped or unshipped in the Canals or either of them, and on all Goods landed or put into Lighters from or loaded into Vessels lying in the Canals or either of them, or any Part thereof respectively, the Duties not exceeding the several Rates specified in the Schedule (A.) to this Act annexed; and on all Vessels so landing or receiving on board such Passengers, Animals, Carriages, or Goods a Duty not exceeding Twopence for every Ton Burden of such Vessels respectively, according to their respective Registers or Measurements:

On every Ton of Goods and Commodities remaining above Twenty-four Hours upon any of the Quays, Wharfs, or Landing Places, or at any Place on the Line of the Canals or either of them, a Duty not exceeding One Penny *per* Ton *per* Day, and

in the same Proportion for any greater or less Quantity than a Ton:

On every Passenger conveyed along either of the Canals or any Part thereof respectively, a Duty not exceeding Two Shillings and Sixpence for any One Passage:

On all Horses and Cattle conveyed along either of the Canals or any Part thereof respectively, a Duty not exceeding One Shilling *per* Head:

On all Sheep, Hogs, Goats, Calves, or Lambs conveyed along either of the Canals or any Part thereof respectively, a Duty not exceeding Sixpence *per* Head:

On all Parcels not exceeding Fifty-six Pounds in Weight conveyed along either of the Canals, or any Part thereof respectively, a Duty not exceeding Threepence for each such Parcel:

The said Rates and Duties to be levied agreeably to such Orders and Regulations as shall from Time to Time be issued by the Commissioners.

Power to Commissioners to make Docks, &c.

XI. It shall be lawful for the Commissioners, out of the Rates by this Act authorized to be levied, or of any Monies to be borrowed by them on the Security thereof, or of any other Funds at their Disposal, to defray the Expense of making and maintaining such Graving and other Docks or Tidal Basins, Quays, Wharfs, and Patent or other Slips, for the Accommodation or Repair of Vessels, as they may think it expedient to make and maintain, on Lands belonging to the Commissioners, or on or in connection with the Canals or either of them.

Power to levy Rates on Vessels using Docks as in Sched. (B.)

XII. It shall be lawful for the Commissioners to levy and receive at every such Graving Dock or Patent Slip made and maintained as last aforesaid such Rates on Vessels using the same as the Commissioners may from Time to Time deem expedient, not exceeding the Rates specified in the Schedule (B.) to this Act annexed.

Power to levy Rates for Sheds and Warehouses.

XIII. It shall be lawful for the Commissioners to levy on and in respect of all Goods placed or stored in the Sheds or Warehouses erected or to be erected by them, such Rates as the Commissioners may from Time to Time deem expedient, and the Commissioners shall have all the same Rights and Remedies for recovering such Rates as are given to them by this Act and the Acts incorporated herewith, or by the recited Acts or any of them, in reference to the Rates thereby made payable.

XIV. It

XIV. It shall be lawful for the Commissioners to levy, for and in respect of the Use of Cranes, Weighing Machines, and Lights, such Rates as the Commissioners may from Time to Time deem expedient, not exceeding the Rates specified in the Schedule (C.) to this Act annexed; and such Rates shall be paid by the Owner of the Goods, or by the Owner, Agent, Master, Consignee, or other Person in charge of the Vessels using the said Cranes, Weighing Machines, or Lights.

Power to levy Rates for Cranes, Weighing Machines, and Lights, as in Sched. (C.)

XV. All Rates and Tolls levied and taken under the Powers of this Act shall at all Times be charged equally to all Persons, and after the same Rate, whether *per* Ton, or *per* Ton *per* Mile, or otherwise, in respect of all Passengers, and of all Goods of the same Description and passing over the same Portion of the Canals or either of them, under the same Circumstances, and no Reduction or Advance in any such Rates and Tolls shall be made, either directly or indirectly, in favour of or against any particular Company or Persons travelling upon or using the Canals or either of them.

Rates to be charged equally.

XVI. It shall be lawful for the Commissioners, in levying the Rates and Duties under the Powers of this Act or of any of the recited Acts, to apportion the same as the Commissioners may from Time to Time deem expedient, and to charge such Rates and Duties partly on and in respect of Vessels entering or using either of the Canals, and either according to the registered or actual Measurement of such Vessels, and partly on and in respect of the Goods contained in such Vessels: Provided always, that all such Rates and Duties shall in the first place be paid by the Masters of the Vessels, who shall have full Power and Authority to recover from the Owners of the Cargo the Rates and Duties which may have been charged thereon, in as full and ample Manner as the Commissioners could do under the Powers conferred upon them by this Act and the Acts incorporated herewith, or by any of the recited Acts.

Mode of charging Rates.

XVII. None of the Rates or Duties granted by this Act or by any of the recited Acts shall be leviable upon Vessels, Stone, Lime, or other Materials to be used in the Construction or Repairs of the Canals or either of them, or of the Harbours, Wharfs, Quays, or other Works connected therewith.

Materials for Repairs exempt from Duty.

XVIII. The Fifty-first Section of the recited Act of the Forty-fourth *George* the Third, Chapter Sixty-two, is hereby repealed; and henceforth no Vessel shall pass singly through any of the Locks of the *Caledonian* Canal of less Burden than Twenty-five Tons, or through any of the Locks of the *Crinan* Canal of less Burden than Eighteen

Repeal of 44 G. 3. c. 62. s. 51.

Vessels under 25 or 18 Tons not to pass Locks unless they

pay for 25 or 18 Tons.

Eighteen Tons, without the Consent of the Commissioners or some One of their Officers in Writing first had and obtained, and unless the Owner or Master of such Vessel shall pay Tonnage equal to a Vessel of Twenty-five Tons or of Eighteen Tons, as the Case may be.

Commissioners may employ Vessels and carry Passengers and Goods.

XIX. It shall be lawful for the Commissioners to use and employ Vessels, and to carry and convey along the Canals all such Passengers and Goods as shall be offered to them for that Purpose, and to make such Charges in respect thereof as they may from Time to Time determine upon, and they shall have all the same Rights and Remedies for recovering the same as are given to them by this Act and the Acts incorporated herewith, or by any of the recited Acts in reference to the Tolls, Rates, and Duties thereby made payable.

Byelaws.

XX. In addition to the Powers of making Byelaws contained in any of the Acts incorporated herewith, the Commissioners may, subject to the Provisions of this Act, from Time to Time make such Byelaws as they shall think fit for all or any of the following Purposes; (that is to say,)

For regulating the Conduct of the Owners, Masters, Pilots, and Crews of Vessels with regard to their Times and Speed of sailing, the Mode of navigating such Vessels, the having proper Lights ahead or otherwise, the taking on board and landing or putting out Passengers and towing of Vessels, and the Size and Number of Vessels towed at One Time in One Train:

For regulating the Conduct of Boatmen and others plying on the Canals, or either of them, in landing Passengers from and putting them on board of Vessels:

And the Byelaws and Regulations to be so made by the Commissioners shall be observed under such Penalties as are provided by the said Harbours, Docks, and Piers Clauses Act, not exceeding the Sum of Five Pounds for each Offence.

Power to license Pilots.

XXI. It shall be lawful for the Commissioners from Time to Time, as Occasion may require, to license, appoint, and regulate Pilots employed in the Navigation of Vessels in the Canals or either of them, and the Channels leading thereto respectively, and to remove and displace them at Pleasure, and to fix the Rate of Pilotage to be paid to such Pilots.

Responsibility of Pilots.

XXII. The Commissioners shall not be liable or responsible for Accident, Loss, or Damage which may arise to any Vessel or to the

the Cargo thereof in consequence of the Employment of any Pilot licensed by the Commissioners, but the Pilot so employed shall be answerable for any wilful or culpable Neglect or Mismanagement.

Power to borrow Money on the Security of the Rates.

XXIII. It shall be lawful for the Commissioners, with the Consent in Writing of the Commissioners of Her Majesty's Treasury for the Time being, to borrow such Sums of Money as the Commissioners shall think necessary, in addition to any Sum of Money they are at present authorized to borrow under former Acts, not exceeding Twenty thousand Pounds, on the Security of the Canals and the Tolls and Rates leviable under this Act and any of the recited Acts, and to grant and execute Mortgages or Assignations of the Canals and of the said Tolls and Rates, in Security of the Payment of the Money so borrowed and the Interest thereon.

Power to Public Works Loan Commissioners to lend Money to the Commissioners.

XXIV. It shall be lawful for the Public Works Loan Commissioners, if they in their Discretion shall think fit, to advance and lend to the Commissioners from Time to Time any Sum or Sums of Money not exceeding Twenty thousand Pounds on the Security of the Canals, and the Tolls and Rates leviable under this Act and any of the recited Acts, and to accept and take from the Commissioners Mortgages or Assignations of the Canals, and of the said Tolls and Rates, in Security of the Payment of the Money so advanced and lent, and the Interest thereon: Provided that the Monies to be borrowed by the Commissioners under the Provisions of this Act from the said Public Works Loan Commissioners, and from any other Person, Company, or Corporation, shall not in the whole exceed the Sum of Twenty thousand Pounds.

Application of Rates and Monies borrowed.

XXV. All Rates levied and all Rents received and all Monies borrowed under the Authority of this Act shall be applied and expended on or in connexion with the Canals or either of them, and in providing additional Accommodation for the Traffic thereon, or in making any Docks, Basins, or Slips as aforesaid, as shall from Time to Time appear to the Commissioners expedient.

Protection of Persons lending Money under this Act.

XXVI. No Person lending Money to the Commissioners, and taking a Mortgage or Assignation in Security, for securing Repayment of the same, and purporting to be made under the Authority of this Act, shall be bound to require Proof that the Provisions of this Act have been duly complied with.

Power to Commissioners to purchase Land not exceeding 50 Acres.

XXVII. Subject to the Provisions of this Act and of the Acts incorporated herewith, it shall be lawful for the Commissioners from Time to Time to contract with any Person for the Purchase of any Lands not exceeding in the whole Fifty Acres (in addition to the Lands now vested in or belonging to the Commissioners), in such Place or Places as the Commissioners shall deem eligible or convenient for any of the Purposes by this Act and the Acts incorporated herewith or by any of the recited Acts authorized.

Superfluous Lands may be disposed of.

XXVIII. It shall be lawful for the Commissioners to sell, lease, feu, or convey, in consideration of a Price paid down, or of a yearly Rent or Feu Duty, Ground Annual, or other annual Payment, such Portions of the Lands as they may have purchased as last aforesaid, and any Lands which may not be required for the Purposes of the Canals, in any way, and at such Time as they shall think most expedient; and the Conveyances and Titles to be granted by the Commissioners on the Sale or Lease of any such Lands shall be good, valid, and effectual to the Purchasers or Lessees, freed and disburdened of the Debts and pecuniary Obligations of the Commissioners, except so far as such Lands may be subject or liable to the Payment of the Purchase Money or Rent, as the Case may be.

Commissioners empowered to grant or lease the Canals for a Term of Years.

XXIX. It shall be lawful for the Commissioners, with the Consent in Writing of the Commissioners of Her Majesty's Treasury for the Time being, to grant or lease the Canals or either of them, and all the Works and Appurtenances thereof or thereto belonging respectively, for a Period not exceeding Ninety-nine Years, with or without any annual Return or Rent therefor, to any Person or Company, under such Provisions, Conditions, Restrictions, and Limitations as the Commissioners shall think necessary and proper: Provided always, that any such Grant or Lease shall, within Twenty-one Days after completing the same, be laid before both Houses of Parliament, if then sitting, or otherwise within Fourteen Days after the next Meeting of Parliament.

Upon Execution of Grant or Lease the Powers of Commissioners to cease.

XXX. Upon the Execution of such Grant or Lease, all the Powers and Authorities conferred by this Act and the Acts incorporated herewith, or by any of the recited Acts, upon the Commissioners, shall, as regards the Subject Matter, and during the Continuance of such Grant or Lease, cease and determine, and the Commissioners shall be and they are hereby released and exonerated from all Liabilities and Responsibilities which they were or might in anywise be considered to be under as such Commissioners.

Commissioners may lease the

XXXI. It shall be lawful for the Commissioners to let on Lease, by Private Contract or Agreement, or by Public Roup or Sale, as they may

may deem most expedient, all or any of the Rates and Duties by this Act or by any of the recited Acts authorized to be levied, to any Person or Company, for a Period not exceeding Three Years; and the Lessee or Lessees thereof, and also such Person or Persons as such Lessee or Lessees shall appoint to collect and receive the Tolls, Rates, and Duties so let, shall during the Continuance of every such Lease have the same Power and Authority for levying, collecting, and recovering the same as are conferred on the Commissioners by this Act and the Acts incorporated herewith, or by any of the recited Acts.

Rates and Duties.

XXXII. It shall be lawful for the Commissioners, at any General Meeting to be held by virtue of any of the recited Acts, to give and grant to such Officers or Servants as may be deemed deserving, and who shall by reason of Age or Infirmity or Injuries received be incapable of further Service, Annuities for their respective Lives or for shorter Terms, and also any Donations or annual Sums to the Widows or Families of such Officers or Servants, such Annuities, Donations, or annual Sums being payable out of any Funds which for the Time being may be in the Hands of the Commissioners.

Commissioners may grant Annuities to their Officers.

XXXIII. The Rates and Penalties by this Act authorized to be levied and imposed shall be levied and recovered in the same Manner as Rates and Penalties leviable under any of the recited Acts; and all the Enactments and Provisions contained in the recited Acts with respect to the levying and Recovery of the Tolls, Rates, and Dues thereby authorized to be levied, and the Penalties thereby imposed, shall be applicable to the Rates and Penalties by this Act authorized to be levied and imposed, in the same Manner and as fully and effectually as if such Enactments and Provisions had been herein repeated and re-enacted.

For Recovery of Rates and Penalties.

XXXIV. Nothing herein contained shall repeal, alter, or affect the recited Acts or any of them, except in so far as the recited Acts or any of them, or any Part thereof respectively, may be contrary to or inconsistent with this Act, or with the Acts incorporated herewith, but the recited Acts, and the whole Clauses and Provisions therein contained, except in so far as they are so altered, affected, or repealed, shall be as good, valid, and effectual for carrying this Act into execution as if the same had been repeated and re-enacted in the Body of this Act; and the recited Acts and this Act shall, as to the Powers and Provisions, Matters, and Things not repealed, altered, or affected, be construed together as One Act.

Recited Acts not to be affected, except by the Provisions of this Act.

XXXV. Nothing

Saving Rights of Inverness Harbour Trustees.

XXXV. Nothing in this Act contained shall alter, prejudice, or affect Sections Fifty-four and Fifty-five of an Act passed in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act for deepening, enlarging, improving, and maintaining the Port and Harbour of* Inverness, *and the Navigation of the River* Ness, *and the Quays and Piers and other Works connected therewith, and regulating the Anchorage and Shore Dues of the said Port and Harbour, and for other Purposes relating thereto,* or any of the Powers, Rights, and Authorities conferred by the said Act on the Trustees acting under the same.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

I.—RATES ON PASSENGERS, ANIMALS, AND CARRIAGES, TO BE LEVIED AT WHARFS, PIERS, JETTIES, OR LANDING PLACES.

	£	s.	d.
Each Passenger	0	0	2
Each Horse	0	1	0
Do. under Thirteen Hands, and each Mule or Ass	0	0	6
Each Bull, Cow, Bullock, or Heifer	0	0	6
Do. under Two Years old	0	0	3
Each Calf	0	0	1
Dogs, Sporting only, each	0	0	3
Other Dogs, each	0	0	1
Sheep, Lambs, Goats, or Swine, per Score, 1s., or if under Ten, each	0	0	1
Each Four-wheeled Coach or Carriage	0	1	0
Each Gig or Two-wheeled Carriage	0	0	6
Each Cart, loaded	0	1	0
Do., empty	0	0	6
Each Two-wheeled Barrow or Truck, with Luggage	0	0	4
Each Wheelbarrow with Luggage	0	0	2
Each Parcel or Package carried by a Porter	0	0	1

II.—RATES ON GOODS SHIPPED OR UNSHIPPED IN THE CANALS, AND TO BE LEVIED AT WHARFS, PIERS, JETTIES, OR LANDING PLACES.

Description of Goods.	Quantities.	Rates.		
	Imperial Standard.	£	s.	d.
Ale, Beer, and Porter	Per Barrel Bulk	0	0	2
Bark	Per Ton	0	0	8
Birch or Alder Staves	Per 1,000	0	0	2
Bones, Bone Dust, and Guano	Per Ton	0	1	0
Butter and Cheese	Per Stone	0	0	1
Cement	Per Cwt.	0	0	1
Chalk	Per Ton	0	0	3
Cloths, Carpeting, Haberdashery, Hosiery	Per Barrel Bulk	0	0	2
Coals, Coke, or Cinders	Per Ton	0	0	3
Copper, Zinc, Brass, Lead, Tin	Per Cwt.	0	0	1
Cotton Wool	Per Ton	0	1	0
Crystal, China, and Earthenware	Per Barrel Bulk	0	0	2
Eggs	Ditto	0	0	2
Empty Herring Barrels or Boxes	Each	0	0	0½
Other Empty Casks in proportion to Size.				
Feathers	Per Cwt.	0	0	2
Fish:—Salmon in Kits or Boxes	Per Barrel Bulk	0	0	3
Herrings, packed	Per Barrel	0	0	2
Other Fish	Per Box	0	0	1½

Caledonian and Crinan Canals.

Description of Goods.	Quantities.	Rates.		
	Imperial Standard.	£	s.	d.
Flour	Per Sack	0	0	3
Fruit	Per Barrel Bulk	0	0	2
Grain:—Wheat	Per Quarter	0	0	3
All other Kinds	Ditto	0	0	2
Groceries	Per Barrel Bulk	0	0	2
Gunpowder	Per Barrel	0	0	2
Hardwares	Per Barrel Bulk	0	0	6
Hay and Straw	Per Ton	0	0	2
Hemp, Flax, or Tow	Per Cwt.	0	0	1
Hides	Ditto	0	0	1
Hoops of Wood	Per 100	0	0	0½
Horns and Hoofs	Per Cwt.	0	0	1
Household Furniture	Per Barrel Bulk	0	0	2
Husbandry Utensils	Ditto	0	0	2
Iron Castings	Per Cwt.	0	0	1
Iron Cables	Ditto	0	0	1
Iron Wire	Ditto	0	0	2
Kelp	Per Ton	0	0	4
Leather	Per Cwt.	0	0	1
Lime,—in Shells	Per 64 Bushels	0	0	8
Slaked	Ditto	0	0	6
Loam, Pipe and Fire Clay	Per Ton	0	0	3
Machinery	Per Barrel Bulk	0	0	3
Manure, Common	Per Ton	0	0	3
Meal	Per 140 lbs.	0	0	2
Metallic Ores	Per Ton	0	0	6
Oils,—Fish or Vegetable	Per Barrel Bulk	0	0	3
Peats or Turf	Per 1,000	0	0	2
Potatoes	Per Cwt.	0	0	0½
Rags	Ditto	0	0	0½
Rape or Linseed Cakes	Per Ton	0	0	6
Ropes, Cordage, Netting, and Canvass	Per Cwt.	0	0	2
Salt	Per Ton	0	0	6
Sand,—Soil and Gravel	Ditto	0	0	2
Seeds,—in Bags or Casks	Per Barrel Bulk	0	0	2
Skins	Per Dozen	0	0	1
Slates, Bricks, and Tiles	Per 1,200	0	0	6
Soap, Soda, and Saltpetre	Per Cwt.	0	0	0½
Spirits:—Foreign or Colonial	Per Gallon	0	0	0¼
British	Ditto	0	0	0⅛
Steel and Iron,—Bar or Pig	Per Ton	0	1	0
Stones,—for Building or Paving	Ditto	0	0	2
Flagstones, Millstones, Grindstones	Ditto	0	0	6
Sugar	Per Hogshead or Tierce	0	0	6
Ditto	Per Barrel	0	0	2
Tallow and Grease	Per Barrel Bulk	0	0	3
Tar and Pitch	Per Barrel	0	0	2
Timber:—Foreign	Per Load	0	1	0
Home, manufactured	Ditto	0	0	9
do. not manufactured	Ditto	0	0	6
Wine:—in Casks	Per Barrel Bulk	0	1	0
in Bottles	Ditto	0	0	6
Wool	Per Stone of 24 lbs.	0	0	0½

All other Goods, Wares, Merchandise, and Commodities whatsoever, not enumerated or specified in the above Schedule, to pay at the Rate of Twopence per Barrel Bulk, or at Rates varying from Threepence to One Shilling per Ton, in proportion to such Articles in the Schedule as they come nearest to.

The Tonnage of all Articles to be ascertained by the gross Weight or Cubic Contents thereof, and Documents showing the Measurement of Bale or Dry Goods must be produced.

The Barrel Bulk of all Articles not otherwise rated to be Five Cubic Feet, excepting when the said Measure shall exceed Two and a Half Hundredweight, in which Case Two and a Half Hundredweight is to be rated a Barrel Bulk; Eight Barrels Bulk or Forty Cubic Feet to be reckoned One Ton; the Load of Oak, Ash, Elm, Beech, Birch, or other Hard Wood to be estimated at Forty Cubic Feet; and of Pine, Larch, or Fir Timber, at Fifty Cubic Feet.

With respect to the common planted Fir Timber of Home Growth, the Shipper or Importer has the Option of paying, either according to the Rates specified in the Table, or at Fourpence per Ton Register of the Vessel, and Threepence per Ton Register for manufactured Timber.

Timber imported into the Canals, or conveyed from one Part of the Line to another, for the Purpose of being manufactured, and afterwards reshipped by the Canals, to be exempted from Dues until Reshipment, with the Exception of Wharfage, at the Rate of One Penny per Ton Register of the Vessel carrying the same when discharged at any Wharf.

Small Packages not measuring One and a Quarter Cubic Foot, or not weighing Twenty-eight Pounds, to be reckoned One Fourth of a Barrel Bulk.

Passengers by Steam Vessels to be allowed to the Extent of One Hundredweight each for Luggage, but on each and every Package beyond that Weight Dues are to be levied.

Empty Casks or Boxes to be rated at One Eighth of their Capacity, per Gauge Measure.

When empty Casks or Packages are exported and returned filled, the Owners, if the same Parties, shall be entitled to an Allowance or Drawback of the Dues chargeable on their Shipment.

All Goods landed and afterwards reshipped, without Bulk being broken, and also all returned empty Boxes, Casks, Bags, or other Packages, are exempted from Dues.

BALLAST.

Ballast, unless to be immediately carted away, must be landed and deposited where the Harbour Master may direct, and in this Case to be the Property of the Commissioners.

Vessels, if allowed to take Ballast from Spoil Banks, or from any Depôt of Materials provided for the Purpose, to pay Dues therefor at the Rate of One Penny per Register Ton.

SCHE-

SCHEDULE (B.)

RATES ON VESSELS ON EACH TIME OF ENTERING OR USING THE GRAVING DOCKS OR SLIPS.

On all Vessels entering or using any of the Docks or Slips, per Register Ton per Day, Threepence.

SCHEDULE (C.)

I. RATES FOR THE USE OF CRANES.

	s.	d.
Each Hogshead of Goods not exceeding 12 Cwt. - -	0	3
Do. do. from 12 to 15 Cwt. - -	0	4
Do. do. from 15 to 20 Cwt. - -	0	6
Each Ton of Goods - - - - -	0	6

II. RATES FOR WEIGHING.

Each Cart, Waggon, or other Carriage, Load, or Weight -	0	2

III. RATES FOR LIGHTS.

Each Vessel using any Wharf, Pier, Jetty, or Landing Place at Night, which shall be lighted by the Commissioners, for every 10 Tons Register - - - -	0	0½

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ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

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whereas it is expedient to repeal the said Clause of the first-recited Act, and to make Provision for the Admission of Persons to be Burgesses in manner and under the Conditions herein prescribed: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Sect. 14. of 3 & 4 W. 4. c. 76. repealed.

I. That the said Fourteenth Section of the first-recited Act, in so far as inconsistent with this Act, shall be and the same is hereby repealed.

Electors of Members of Council may be admitted as Burgesses on certain Conditions.

II. That it shall be lawful to the Magistrates and Council of any Royal Burgh, and they are hereby authorized and empowered, to admit any Person entitled to vote in the Election of any Member of Council for such Burgh to the Status of a Burgess thereof, and that by a Minute of the Council thereof, and on Payment of such Entry Money, not exceeding in any Case the Sum of One Pound, as the Council of the Burgh may from Time to Time fix, which Entry Money shall be accounted Part of the Common Good of the Burgh, and be applied accordingly; and every Person entitled to vote in the Election of any Member of Council shall, on being elected a Member of the Council of any Burgh, thereupon be eligible to be inducted, if before Induction he shall be admitted in manner aforesaid to the Status of a Burgess of the Burgh, anything contained in the said Fourteenth Section of the first-recited Act notwithstanding: Provided always, that such Admission by Minute of Council shall not *per se* be held to give or imply any Right or Title to or Interest in the Properties, Funds, or Revenues of any of the Guilds, Crafts, or Incorporations of the Burgh, or any Mortifications or Benefactions for behoof of the Burgesses of such Guilds, Crafts, or Incorporations, or of their Families, or any Right of Management thereof, or any Membership in any of the said Guilds, Crafts, or Incorporations.

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tenance and Repairs, and the said Commissioners of the Treasury were thereby authorized to postpone further the Security held by them to any Loan to be effected by the Commissioners for the said Harbour and Docks for the Execution of Improvements and Repairs, not exceeding in all the Sum of One hundred and twenty-five thousand Pounds, and to forego for such Time as the said Commissioners of the Treasury should think fit the Exaction, in whole or in part, of the Interest to become due upon the Amount of the Debt which should remain owing; and it was by the said Act provided, that the said Debt should be secured on the Revenues of the said Harbour and Docks, and Works and Property vested in the Commissioners for the said Harbour and Docks, and that no Claim or Demand should thereafter be competent to the said Commissioners of the Treasury for the Principal or Interest of the said Debt, or any Part thereof, from or against any of the other Property or Revenues of the City of *Edinburgh*, or the Lord Provost, Magistrates and Council thereof: And whereas by the Act Seventh *Victoria*, Chapter Twenty, the said Commissioners were incorporated by the Name of "The Commissioners for the Harbour and Docks of *Leith*:" And whereas by the Act (Local and Personal) Tenth *Victoria*, Chapter Twenty five, the said Commissioners were authorized to levy the Rates and Duties specified in the Schedules annexed to the said Act on all Goods imported into or exported from the Harbour of *Leith* and Precincts thereof, and on all Vessels coming into or going out of the said Harbour and Precincts thereof, and for the Use of the Cranes and Weighing Machines, Rails, and Sheds at the said Harbour and Docks; and it was by the said Act provided that the said Commissioners should, in lieu of the Customs, Rates, Imposts, and Market Dues thereby abolished, pay annually, out of the Rates and Duties thereby authorized to be levied, to the Magistrates and Council of the Town of *Leith* the Sum of Five hundred Pounds at the Terms therein specified: And whereas by the Act Tenth and Eleventh *Victoria*, Chapter One hundred and fourteen, it was provided that the Debt to Her Majesty from the Commissioners for the Harbour and Docks of *Leith* at the Term of *Whitsunday* One thousand eight hundred and forty-seven, including all Arrears of Interest due at that Term, should be taken at the said Sum of Two hundred and twenty-eight thousand three hundred and seventy-four Pounds Nine Shillings and Eightpence, and the said Commissioners of the Treasury were thereby empowered to allow the Commissioners for the said Harbour and Docks to appropriate the whole Monies then in their Hands, or which might thereafter accrue to them from the surplus Revenue of the said Harbour and Docks, or such Part thereof as the said Commissioners of the Treasury from Time to Time should think fit to allow for that Purpose (after Payment of the said annual Sum of Seven thousand six hundred and eighty Pounds, and the Expense of the Establishment, and any extra-

7 Vict. c. 20.

10 Vict. c. xxv.

10 & 11 Vict. c. 114.

extraordinary Expense which might be necessary in the event of any unforeseen Damage arising to the Works of the said Harbour and Docks through Storm or Accident), towards the Expense of carrying into execution the Plan for the Improvement of the said Harbour and Docks referred to in the said Act, with such Alterations, Additions, or Omissions as should be from Time to Time sanctioned by the said Commissioners of the Treasury: And whereas the Commissioners for the said Harbour and Docks have executed various Works and Improvements at the said Harbour and Docks since the passing of the first-recited Act, and have defrayed the Expense thereof out of the surplus Revenues accruing from Time to Time, and out of Money borrowed by them under the Authority of the first-recited Act, with the Sanction of the said Commissioners of the Treasury from the Bank of *Scotland*, the Royal Bank of *Scotland*, the *British* Linen Company Bank, the Commercial Bank of *Scotland*, the National Bank of *Scotland*, and the Union Bank of *Scotland*, of which Money so borrowed the Sum of Forty-three thousand three hundred and sixty Pounds Eighteen Shillings and Fivepence still remains owing; and the said Commissioners of the Treasury have also sanctioned the Expenditure of the further Sum of Forty thousand Pounds on the Construction of a Graving Dock and other Works and Improvements for which Contracts have been entered into; and which Sums borrowed and to be borrowed are, under the Provisions of the first-recited Act, preferable to the said Debt of Two hundred and twenty-eight thousand three hundred and seventy-four Pounds Nine Shillings and Eightpence, which still remains owing to the said Commissioners of the Treasury: And whereas the surplus Revenues of the said Harbour and Docks, after paying the said annual Sum of Seven thousand six hundred and eighty Pounds, and the ordinary Expenditure on Management, Maintenance, Repairs and Dredging, the Interest on the Sums borrowed under the Authority of the first-recited Act, and the said annual Sum of Five hundred Pounds payable to the Magistrates and Council of *Leith*, and providing for the Execution of Works and Improvements essentially necessary for the Accommodation of the Trade and Shipping, are insufficient to pay off the said Debt of Two hundred and twenty-eight thousand three hundred and seventy-four Pounds Nine Shillings and Eightpence: And whereas the Commissioners for the said Harbour and Docks have offered to pay to the said Commissioners of the Treasury the Sum of Fifty thousand Pounds, in full Satisfaction of the said Debt and Interest, and of all their Claims against the said Harbour and Docks; and it is expedient that the said Commissioners of the Treasury should be authorized to accept of the said Sum, and to discharge the said Debt, and that the Commissioners for the said Harbour and Docks should be authorized to borrow Money for the Purposes of the recited Acts and this Act: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent

Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. This Act may be cited for all Purposes as "The *Leith* Harbour and Docks Act, 1860."

Interpretation of Terms.

II. The Expression "the Commissioners" in this Act and in the Clauses of "The Commissioners Clauses Act, 1847," incorporated therewith, shall mean the Commissioners for the Harbour and Docks of *Leith*; and the Expression "the Special Act" in the said Clauses shall mean this Act.

Power to the Commissioners of the Treasury to accept the Sum of 50,000*l.*, in full Payment of Debt and Interest.

When the 50,000*l.* is paid, Treasury to grant a Discharge as in Schedule.

III. It shall be lawful for the said Commissioners of the Treasury to accept of the Sum of Fifty thousand Pounds in full Payment and Satisfaction of the said Debt of Two hundred and twenty-eight thousand three hundred and seventy-four Pounds Nine Shillings and Eightpence, and all Interest due thereon, and of their Security and Claims on the said Harbour and Docks of *Leith*, under and by virtue of the said Bonds granted by the Lord Provost, Magistrates and Council of the City of *Edinburgh*, or of the first-recited Act and the Acts therein recited; and on the said Sum of Fifty thousand Pounds being paid into Her Majesty's Exchequer by the Commissioners for the said Harbour and Docks, within Three Months after the passing of this Act, it shall be lawful for any Two of the said Commissioners of the Treasury to grant a Discharge in the Form of the Schedule to this Act annexed, and thereupon the said Harbour and Docks, and the Works and Property connected therewith, and the Rates, Duties, and Revenues thereof, shall be freed and discharged of the said Debt of Two hundred and twenty-eight thousand three hundred and seventy-four Pounds Nine Shillings and Eightpence, and of all Interest due thereon, and of the Security created or conferred by the said Bonds, and by or under the Provisions of the first-recited Act and the Acts therein recited, and of all Claims competent to the said Commissioners of the Treasury in respect of the said Debt.

Discharge to be recorded, and certain Sections of 1 & 2 and 10 & 11 Vict. repealed.

IV. The said Discharge shall be recorded in the Books of Council and Session at *Edinburgh*, and, from and after the Date of recording the same, the First, Second, Twelfth, Thirteenth, Fourteenth, and Fifteenth Sections of the first-recited Act, and the Fourth Section of the fourth-recited Act, shall be repealed.

Power to Commissioners to borrow Money on Mortgage, &c.

V. It shall be lawful for the Commissioners to borrow any Sums of Money not exceeding in the whole (including the Sums already borrowed by them from the said Banks under the Authority of the first recited Act) the Sum of One hundred and sixty thousand Pounds, and to make and grant Mortgages and Assignations of the said Harbour and Docks, and the Works and Property vested in or acquired or to be acquired or constructed by the Commissioners, and the

the Rates and Duties to be levied by them under the Authority of the recited Acts or any of them, or any other Act relating to the said Harbour and Docks, in Security of the Payment of the Money so to be borrowed and Interest thereon; and if, after having borrowed the said Sums or any Part thereof, the Commissioners pay off the same, or the Sums already borrowed by them, otherwise than by the Application of the annual Sum of not less than Ten thousand Pounds herein-after provided for, it shall be lawful for them again to borrow the Amount so paid off, and so from Time to Time; and the Mortgages and Assignations to be made and granted by the Commissioners may be in Writing or printed, or partly in Writing and partly printed, and shall be sealed with the Common Seal of the Commissioners, and signed at and in Presence of a Meeting of the Commissioners, in the Manner prescribed by the second-recited Act.

Power to borrow from Bank on Cash Credit.

VI. It shall be lawful for the Commissioners to accept and take from any of the said Banks Credit on a Cash Account to be opened and kept with them or any of them in the Name of the Commissioners, according to the Usage of Bankers in *Scotland*, or in such other Form as may be preferred by the said Banks, to the Extent of the Sum which the Commissioners are authorized to borrow as aforesaid, or any Part thereof, and, if required, to make and grant Mortgages and Assignations of the said Harbour and Docks, and the Works and Property vested in or acquired or to be acquired or constructed by the Commissioners, and the Rates and Duties to be levied by them, under the Authority of the recited Acts or any of them, or any other Act relating to the said Harbour and Docks, in Security of the Payment of the Amount of such Credit, or of the Sums advanced from Time to Time on such Cash Account, with Interest thereon: Provided that the whole Sum due and owing by the Commissioners on such Cash Account, and for Money borrowed by them on Bonds, or on Mortgages or Assignations of the said Harbour and Docks, Works, Property, Rates, and Duties, or any Part thereof, shall not when taken together exceed the said Sum of One hundred and sixty thousand Pounds by this Act authorized to be borrowed.

Clauses of 10 & 11 Vict. c. 16. with respect to Mortgages incorporated.

VII. The Clauses of "The Commissioners Clauses Act, 1847," with respect to the Mortgages to be executed by the Commissioners, with the Exception of Section Eighty-four, are hereby incorporated with this Act, and shall be applicable to the Money borrowed or to be borrowed, and the Mortgages and Assignations granted or to be granted, under the Authority of the first-recited Act or this Act.

Nothing to affect annual Payment of 7,680*l.*

VIII. Nothing in this Act contained shall prejudice, alter or affect the preferable Security over the said Harbour and Docks, and the Rates, Duties and Revenues thereof, for the said Sum of Seven thousand six hundred and eighty Pounds, payable annually out of the same, as provided by the first-recited Act.

Nothing to affect existing Mortgages and Securities.

IX. Nothing in this Act contained shall prejudice, alter or affect the Mortgages and Securities granted by the Commissioners for any Sums borrowed by them under the Authority of the first-recited Act, and remaining due at the Date of the passing of this Act; and all such Mortgages and Securities shall be and remain as valid and effectual in all respects as before the passing of this Act; and all Money borrowed or to be borrowed by the Commissioners from the said Banks or any of them, and the Interest due and to become due thereon, and all Bonds, Mortgages, and Securities granted or to be granted therefor, shall, during the Non-Payment and Subsistence thereof, have Priority over any other Money to be borrowed, or any other Mortgages and Assignations to be granted, under the Authority of this Act.

Provision for paying off Debt to Banks.

X. In the event of the Commissioners borrowing any further Sums of Money from the said Banks or any of them under the Authority of this Act, in addition to the Balance of Forty-three thousand three hundred and sixty Pounds Eighteen Shillings and Fivepence remaining due as aforesaid of the Sums already borrowed from the said Banks, the Commissioners shall every Year appropriate and set apart, out of the Surplus Revenue of the said Harbour and Docks which may remain after paying the said annual Sum of Seven thousand six hundred and eighty Pounds, and the ordinary Expenditure on Maintenance, Management, Repairs, and Dredging, and any Charges legally exigible, and the said annual Sum of Five hundred Pounds payable to the Magistrates and Council of *Leith*, a Sum of not less than Ten thousand Pounds, to be applied in paying the Interest on the Principal Sums borrowed or to be borrowed from the said Banks under the Authority of the first-recited Act and this Act, and towards Repayment of the said Principal Sums.

Application of Money borrowed.

XI. The Money to be borrowed by the Commissioners under the Authority of this Act shall be applied in the first instance in paying the said Sum of Fifty thousand Pounds, and thereafter in defraying the Expense of executing Improvements on the said Harbour and Docks, and the Works and Property connected therewith, and in carrying into effect the Purposes of the several Acts relating to the said Harbour and Docks and this Act.

Application of Rates and Revenues.

XII. All Rates and Revenues to be levied and received by the Commissioners under the Provisions of the recited Acts, and this Act, shall be applied in paying the said annual Sum of Seven thousand six hundred and eighty Pounds, the ordinary Expenditure on Maintenance, Management, Repairs, and Dredging, and any Charges legally exigible, the said annual Sum of Five hundred Pounds payable to the Magistrates and Council of *Leith*, the Sum of not less than Ten thousand Pounds *per Annum* payable to the said Banks as herein-before provided, and the Interest of any other Money to be borrowed by the Commissioners under the Authority of

of this Act, and in paying off the Principal Sums so to be borrowed, and in defraying the Expense of executing Improvements on the said Harbour and Docks and the Works connected therewith, and in carrying into effect the Purposes of the several Acts relating to the said Harbour and Docks and this Act, and to no other Purpose whatsoever.

XIII. The Commissioners shall cause true and regular Accounts to be entered in the Books kept by them of all Monies received and paid under the Authority of the recited Acts and this Act, and of the several Purposes for which such Monies have been received and paid; and such Books and Accounts shall be made up and balanced as on the Fifteenth Day of *May* in every Year.

Accounts to be kept and balanced.

XIV. The Commissioners shall annually apply to the Sheriff of the County of *Edinburgh* to appoint an Auditor for the Audit of their Accounts, and the Sheriff shall, on such Application being made to him, annually appoint an Auditor (being a Member of the Society of Chartered Accountants in *Edinburgh*, and not being One of the Commissioners, or holding Office under them,) to audit the Accounts of the Commissioners; and in case the Office of such Auditor shall, before such Accounts have been audited by him, become vacant by Death or from any other Cause, the said Sheriff shall from Time to Time appoint another such Person as an Auditor to supply such Vacancy.

Auditor to be appointed.

XV. It shall be the Duty of such Auditor once in every Three Months to audit the Accounts of the Commissioners; and for that Purpose the Commissioners shall deliver to him their Books and Accounts, and the Vouchers in support of the same, and the Auditor shall examine such Books, Accounts, and Vouchers, and may either make a special Report on such Accounts, or simply confirm the same; and such Report or Confirmation shall be read to the Commissioners at the Ordinary Meeting to be held on the Second *Monday* of *October* annually; and the Commissioners shall pay to the Auditor for making such Audit such Sum, not exceeding Fifty-two Pounds Ten Shillings *per Annum*, as they may think fit.

Accounts to be audited.

XVI. An Abstract of the Accounts of the Commissioners as audited shall be printed on or before the Eleventh Day of *November* in every Year, and a Copy thereof shall be given to every Ratepayer or Creditor who shall apply for the same at the Office of the Commissioners.

Abstract of Accounts to be printed.

XVII. It shall be lawful for the Mortgagees or Assignees, subject to the Preference and Priority of Securities herein-before mentioned, to enforce Payment of the Arrears of Interest or the Arrears of Principal and Interest due to them under or by virtue of any Bonds, Mortgages, or Assignations in Security granted or to be granted by the Commissioners

Payment of Arrears of Principal and Interest may be enforced by

Appointment of a Judicial Factor.

sioners under the Authority of the first-recited Act or this Act, by the Appointment of a Judicial Factor or Receiver, in the Manner provided by the said Commissioners Clauses Act: Provided that the Application for the Appointment of such Judicial Factor or Receiver shall be made by a Mortgagee or Assignee holding a Bond, Mortgage or Assignation in Security granted by the Commissioners to the Amount of at least Thirty thousand Pounds, or by Two or more Mortgagees or Assignees holding Bonds, Mortgages or Assignations in Security granted by the Commissioners to the aggregate Amount of at least Thirty thousand Pounds.

SCHEDULE.

The Commissioners of Her Majesty's Treasury do hereby acknowledge that the Sum of Fifty thousand Pounds has been paid into Her Majesty's Exchequer by the Commissioners for the Harbour and Docks of Leith, in Terms of "The Leith Harbour and Docks Act, 1860," and do hereby, under the Authority of the said Act, accept of the said Sum in full Satisfaction and Payment of the Debt of Two hundred and twenty-eight thousand three hundred and seventy-four Pounds Nine Shillings and Eightpence, due to the said Commissioners of Her Majesty's Treasury on the Security of the said Harbour and Docks, as mentioned in the said Act, and of all Interest due thereon, and discharge the said Debt and Interest, and the Bonds granted in Security thereof by the Lord Provost, Magistrates, and Council of the City of Edinburgh to the said Commissioners of Her Majesty's Treasury, and declare the said Harbour and Docks, and the Works and Property connected therewith, and the Rates, Duties, and Revenues thereof, to be for ever freed and discharged of the said Debt of Two hundred and twenty-eight thousand three hundred and seventy-four Pounds Nine Shillings and Eightpence, and of all Interest due thereon, and of the Security created or conferred by the said Bonds, and by or under the Provisions of the Act First and Second Victoria, Chapter Fifty-five, and the Acts therein recited, and of all Claims competent to the said Commissioners of Her Majesty's Treasury in respect of the said Debt: And the said Commissioners consent to the Registration hereof in the Books of Council and Session, for Preservation. In witness whereof these Presents, written by are subscribed by us Two of the said Commissioners, at London, the Day of in the Year One thousand eight hundred and sixty, before these Witnesses

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1860.

ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

***

Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Rights of Way through Colewort Barracks extinguished.

I. That from and after the passing of this Act all Rights of Way through or over the said Ground shall cease, and the said Secretary of State shall stop up or cause to be stopped up the said Ways, and thereupon public Notice shall be given of the stopping up thereof by Advertisement in the *London Gazette*, and in some local Newspaper published or circulated in the County of *Southampton*, and shall be affixed on the outer Door of the Town Hall or some other public Place within the said Borough.

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ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

****

CAP. L.

An Act to abolish the Annuity Tax in *Edinburgh* and *Montrose*, and to make Provision in regard to the Stipends of the Ministers in that City and Burgh, and also to make Provision for the Patronage of the Church of *North Leith*.

[23d *July* 1860.]

WHEREAS it is expedient that the Annuity Tax as at present levied within the City of *Edinburgh*, on behalf of the Ministers thereof, and the Annuity Tax at present levied in the Burgh of *Montrose*, should be abolished, and that Provision should be made with respect to the future Payment of the Stipends of the said Ministers, and for the Administration and Management of the Parochial Churches in the said City of *Edinburgh*, and also that Provision should be made for the Patronage of the Church of *North Leith*: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. The following Words and Expressions in this Act shall have the several Meanings hereby assigned to them: Interpretation of Terms.

The Word "Commissioners" shall mean the Commissioners appointed and incorporated under this Act:

 The

The Word "Secretary" shall mean the Secretary and Agent of the Commissioners for the Time being:

The Expression "Magistrates and Council" shall mean the Lord Provost, Magistrates, and Council of the City of *Edinburgh*, for the Time being.

Annuity Tax abolished.

II. From and after the Term of *Whitsunday* One thousand eight hundred and sixty, the Impost or Tax levied annually under the Name of the Annuity Tax, within the ancient and extended Royalties of the City of *Edinburgh*, for the Maintenance of the Ministers thereof, shall cease to be imposed.

Commissioners appointed to carry Act into effect.

III. Ten Commissioners shall be appointed to carry into effect the Purposes of this Act in manner following: Two of such Commissioners shall be elected by the Ministers of *Edinburgh* of the Church of *Scotland*; Three of such Commissioners shall be elected by the Magistrates and Council; One of such Commissioners shall be elected in turn by the Faculty of Advocates, the Society of Writers to Her Majesty's Signet, and the Society of Solicitors before the Supreme Courts, the First Election to be by the Faculty of Advocates, and the Second by the Society of Writers to the Signet, and each Commissioner from the said Three Bodies shall hold Office for Three Years; and Three of such Commissioners shall be elected by the Kirk Sessions of all the Parochial Churches of the City of *Edinburgh* convened by the Clerk of the Presbytery of *Edinburgh*; and One of such Commissioners shall be elected by the Merchant Company; and all such Elections shall be made at Meetings of the said several Bodies, specially called for the Purpose of such Elections; and when any Vacancy shall occur by the Death, Resignation, or Incapacity to act, of any of the Commissioners, the same shall be supplied by the Election of another Commissioner in his Place by the Body by whom the Commissioner so dying, resigning, or becoming incapable to act, was elected; and in case any of the Bodies hereby authorized to make such Elections shall not, within Three Months after the passing of this Act, have duly made such Elections, or, in case of any Vacancy thereafter arising, shall not within Three Months after the Date of such Vacancy have duly elected another Commissioner in the Place of the Commissioner so dying, resigning, or becoming incapable to act, then and in either of such Cases it shall be lawful for One of Her Majesty's Principal Secretaries of State, by Warrant under his Hand, to nominate a Commissioner or Commissioners, as the Case may be; and Intimation of the respective Elections and Nominations, as respects the first Appointments to be made under this Act, shall be addressed to the Lord Provost of the City of *Edinburgh*, who shall forthwith call a Meeting of

of the Commissioners; and the Commissioners shall thereafter meet at such Times and Places as to them shall seem fit; and such Intimation, as respects all subsequent Appointments, shall be addressed to the Commissioners.

Commissioners incorporated.

IV. The Commissioners shall be a Body Corporate, under the Title of "The *Edinburgh* Ecclesiastical Commissioners," and shall have perpetual Succession and a Common Seal, with Power under the said Title to sue and be sued and to take and hold Property, heritable and moveable, real and personal, and with all the other Powers and Privileges of a Corporate Body; and Three of their Number shall be a Quorum at any Meeting, or with respect to any Act or Proceeding of the Commissioners; and they may from Time to Time elect One of their Number to be Chairman for such Period as they shall think fit; and the Chairman for the Time being, or the Commissioner presiding in his Absence, at any such Meeting shall have a Casting as well as a Deliberative Vote; and the Commissioners may from Time to Time appoint such Person as they think fit to be their Secretary and Agent.

Administration of the City Churches transferred from the Magistrates and Council to the Commissioners.

V. The whole Rights of Administration and Custody as respects the following Parochial Churches in the City of *Edinburgh*, namely, the *Tolbooth* Church, *New North* Church, *Old* Church, *High* Church, *Tron* Church, *Trinity College* Church, Lady *Yester's* Church, *Old Greyfriars* Church, *New Greyfriars* Church, *St. John's* Church, *St. Andrew's* Church, *St. George's* Church, *St. Mary's* Church, *St. Stephen's* Church, and *Greenside* Church, which the Magistrates and Council have in or pertaining to the same or any of them; and the Dwelling Houses, Cellars, and Vaults underneath or attached to any of the same, including the Feu Duties payable in respect of the Ground whereon Lady *Yester's* Church was formerly built, and the Mortification or Monies mortified for the Endowment of the last-named Church, and any Bond of Annuity or other Securities on which the said Monies may be invested, except in so far as any of the said Rights may be herein otherwise expressly regulated or provided for, shall be and the same are hereby, from and after the Eleventh Day of *November* One thousand eight hundred and sixty, transferred from the Magistrates and Council to and vested in the Commissioners for the Purposes of this Act, and for the like public Uses and Purposes and under the like Conditions for and under which the said Churches are at present administered by the Magistrates and Council: Provided that nothing contained in this Act shall prevent the Magistrates and Council from causing the Bells of the City Churches to be rung on suitable public Occasions.

VI. The

Pews in the City Churches to be let by the Kirk Sessions, and Surplus of the Rents to be paid to the Commissioners.

VI. The Pews or Seats in the said several Churches shall, from and after the Eleventh Day of *November* One thousand eight hundred and sixty, be let by or at the Sight of the Kirk Session of each Church respectively, with the Exception of not less than One Tenth of the Number which shall be reserved as Free Sittings, but subject to any Directions which the Commissioners may issue from Time to Time, and subject also to any Rights or Conditions presently attaching to such Pews or Seats, or, in case the Commissioners shall think it necessary or expedient, by or at the Sight of the Commissioners, or their Secretary, and at such Rents for the said Pews or Seats as the Commissioners, subject always to the Rights and Conditions aforesaid, may from Time to Time determine or approve with reference to the Circumstances of the said Churches respectively; and the Kirk Session of each Church may retain in their Hands, out of the Moneys to be received for such Pew or Seat Rents, such Sums as shall be fixed by the Commissioners for the Payment of the Salaries of Precentors, Door Keepers, or other Church Officers, and for cleaning, heating, and lighting the Church, and for providing Communion Elements, and for such other necessary Expenses in connexion with the Church as shall be allowed by the Commissioners; and the Kirk Session shall keep an Account of the whole Moneys received by them for Pew or Seat Rents, and of the Sums retained for Payment of Expenses, and shall lay the same before the Commissioners yearly, or as often as the Commissioners shall direct; and the Kirk Session shall forthwith pay the whole Balance of the Moneys received for Pew or Seat Rents (after making the said Deductions) into the Hands of the Secretary; and in case the Moneys received for Pew or Seat Rents in any of the said Churches shall in any Year be insufficient to defray the said Expenses, the Commissioners may, out of the Surplus of the Pew or Seat Rents of any of the other Churches, pay such additional Sum as shall be necessary to make up such Deficiency; and the Right to appoint Precentors, Door Keepers, and other Church Officers, heretofore belonging to the Magistrates and Council, shall, from and after the Eleventh Day of *November* One thousand eight hundred and sixty, belong to and be exercised by the Kirk Sessions of the said Churches respectively.

Commissioners to provide for the Repair of the Churches and other Expenses out of the Surplus of the Seat Rents.

VII. The Commissioners shall, out of the Moneys so received by them, provide for the Maintenance and Repair of the Fabrics of the said Churches, and for the Insurance of the same against Loss by Fire, to such Extent as they shall think necessary, and for the Payment of the Expenses of the Commissioners, including such Remuneration as they shall see fit to allow to any Persons employed by them in the Execution of this Act, and of the Proportion of the Salaries of the Clerk

Clerk of the Synod of *Lothian* and *Tweeddale* and the Clerk and Officer of the Presbytery of *Edinburgh*, payable for the said Churches or any of them, and of the other Expenses to be incurred in carrying into effect the Purposes of this Act, and shall apply the Balance or Residue of such Moneys as herein-after directed.

Bonds of Annuity to be granted by the City.

VIII. The Magistrates and Council shall, on or before the Eleventh Day of *November* One thousand eight hundred and sixty, execute and deliver to the Commissioners for the Purposes of this Act, a perpetual Bond of Annuity, in the Form of the Schedule (A.) to this Act annexed, for the annual Sum of Four thousand two hundred Pounds, under the Conditions expressed in the said Schedule; and they shall also execute and deliver to the Commissioners for behoof of each of the Reverend Doctor *John Hunter*, the Reverend Doctor *James McLetchie*, and the Reverend Doctor *George Smith*, all Ministers of *Edinburgh*, a Bond of Annuity for the annual Sum of Six hundred Pounds, in the Form and determinable on the Conditions contained in the Schedule (B.) to this Act annexed; and the said Bonds shall, on or before the said Eleventh Day of *November* One thousand eight hundred and sixty, be engrossed in the Minute Books of the said Magistrates and Council.

Property of the City disponed in Security of the Payment of the Annuities.

IX. The whole Property belonging to the Magistrates and Council, as representing the Community of the City of *Edinburgh*, is hereby disponed and made over to the Creditors in the said Bonds, in Security of the Payment of the said Annuities, subject to the Provisions herein-after enacted; and further and without Prejudice to the before-written general Security, the Income and Revenue derived from the Property and Funds specified in the Schedule (C.) to this Act annexed shall, subject as aforesaid, be applicable to and charged with the Payment of the said Annuities preferably to all other Charges whatever; and a Copy of this Act, recorded in the General Register of Sasines kept at *Edinburgh*, and in the Register of Sasines for the Burgh of *Edinburgh*, shall, to all Intents and Purposes, be and shall be held to be equivalent to Infeftment in favour of the Creditors in the said Bonds of Annuity, in all the Heritable Property belonging to the Magistrates and Council hereby made over in Security to the Creditors requiring Infeftment, so as to constitute a Real Burden thereon, and shall also be held equivalent to intimated Assignation of the Debts and Rights, and to actual Delivery of the Moveable Property, so as to create a Lien over the same in favour of the said Creditors at the Date of the passing of this Act; and the Keepers of the said General Register of Sasines and Burgh Register of Sasines are, upon a Copy of this Act being presented to them for that Pur-

pose on behalf of the Commissioners, hereby authorized and required to record the same in the said respective Registers.

As long as the Annuities are regularly paid, the Administration of the Property of the City by the Magistrates and Council not to be interfered with.

X. As long as the said Annuities shall be regularly paid, nothing contained in this Act shall prevent the Magistrates and Council, in the course of the ordinary Administration of the Affairs of the City of *Edinburgh*, from exercising in the Manner allowed by Law any Right competent to them prior to the passing of this Act, of selling, feuing, or letting on Lease such Part of the Property, or any Part thereof enumerated in Schedule (C.) of this Act, as is not contained in Schedule (B.) of the said recited Act, and any Deeds or Writings which may be granted in order to give effect to such Sales, Feus, or Leases shall be as valid and effectual to Purchasers, Vassals, and Tenants as if this Act had not been passed; and such Purchasers, Vassals, and Tenants shall have no Concern with the Application of the Prices, Feu Duties, or Rents to be derived therefrom: Provided always, that such Prices, Feu Duties, or Rents shall be subject to all the Rights in the said Commissioners to which the Property sold, feued, or leased was subject before such Sales, Feus, or Leases were made or granted; provided also, that the Magistrates and Council shall be bound to keep the Proceeds of such Sales to be made as aforesaid, as far as practicable, separate, so that the same may be distinguishable from the general Funds and Property of the City; and the Rights hereby constituted in the said Commissioners shall, as regards the whole Property over which the Security created by this Act extends, including the Proceeds of any such Sales as aforesaid, be preferable to and effectual against any Right or Security constituted by the Magistrates and Council over such Property, and to and against any Adjudication or other Diligence by any Creditors other than those provided for by the said recited Act.

Police Rate to be increased to an Amount not exceeding 4½*d.* per Pound on the gross Value of the Property;

XI. In order to enable the Magistrates and Council to provide for the Purposes to which the Income and Revenue derived from the said Property and Funds are at present applicable, and for the further Security of the said Annuities, it shall be lawful for them to levy and apply to the said Purposes increased Assessments under the Provisions, in the same Way, and with the Powers and Authorities of the "*Edinburgh* Police Act, 1848," and the "*Edinburgh* Municipality Extension Act, 1856," to an Extent equal to but not exceeding Fourpence One Halfpenny in the Pound of the gross yearly Value of the Lands and Heritages situated within the ancient and extended Royalties of the City of *Edinburgh*, over and above the maximum Assessments by the said Acts authorized to be levied: Provided, that on the Determination of the said Bonds of Annuity for behoof of the said Doctor *John Hunter*, Doctor *James McLetchie*, and

but in a certain Event, not to exceed 3*d.*

and Doctor *George Smith* the said increased Assessment shall not exceed Threepence *per* Pound as aforesaid, and the said increased Assessments under the Powers of this Act shall not, in the imposing, levying, or collecting thereof, or in the Notices or Receipts relative thereto, be in any way separated or distinguished from the Assessments to be imposed, levied, and collected under the said "*Edinburgh* Police Act, 1848," and "*Edinburgh* Municipality Act, 1856."

Creditors in the Bonds of Annuity to have same Rights of enforcing Payment as the City Creditors; and failing due Payment, the Revenues of the City may be applied under Orders of Court.

XII. The Creditors in the said Bonds of Annuity shall have all the Rights for completing and enforcing the Security thereby provided, and for recovering the Sums thereby secured, which are conferred on the Creditors of the City of *Edinburgh* by the Act First and Second *Victoria*, Chapter Fifty-five, intituled *An Act to regulate and secure the Debt due by the City of* Edinburgh *to the Public, to confirm an Agreement between the said City and its Creditors, and to effect a Settlement of the Affairs of the said City, and of the Town of* Leith, and an Act amending the same, passed in the Seventh and Eighth Years of the said Reign, Chapter Twenty; and if at any Term of *Candlemas* or *Whitsunday* the Annuities then falling due, or any of them, shall not be paid, the Treasurer of the said City, on the Requisition of the Commissioners, shall, and he is hereby required, forthwith to grant a Certificate, certifying under his Hand that the whole, or any and what Part, of the Annuities then falling due has not been paid; and on the Commissioners, or any Two of their Number, presenting a Petition to the Lord Ordinary on the Bills, and producing therewith such Certificate or other Evidence of Nonpayment in lieu thereof as to the Lord Ordinary shall appear sufficient, the Lord Ordinary shall direct that the whole, or such Part as he shall think proper, of the Income and Revenue derived from the Funds and Property specified in the said Schedule (C.) shall be collected and applied under the Orders of the Court, with due Regard to the Rights of the said Creditors of the City of *Edinburgh*, until the Court shall otherwise direct, and with Power to the Lord Ordinary, if necessary, to appoint Collectors and issue such other Orders as may be necessary for carrying the said Provisions into effect; and he shall also, if he think proper, direct that One Fifth Part, or such other Proportion as may appear to correspond to the additional Assessments hereby authorized, of the whole Sums collected in each Year under the Provisions of the "*Edinburgh* Police Act, 1848," and the "*Edinburgh* Municipality Extension Act, 1856," and this Act, shall be held and applied by the said Treasurer, subject to the Orders of the Court, and such Deliverance shall be final; but the Magistrates and Council shall be entitled at any Time, on the Consignation of the Amount so certified, to apply to the Court, or to the Lord Ordinary on

on the Bills in the Time of Vacation, to have such Deliverance recalled on any Ground competent in Law.

Police Rate may be redeemed to the Extent of 3*d.* per Pound.

XIII. It shall be lawful for the Owner or Occupier of any Property, the Occupier of which is liable in Payment of the increased Police Assessments to be levied under the Provisions of this Act, at any Time to redeem the said Assessments to the Extent of Threepence for every Pound of the annual Value of the said Property, on the Payment of such Sum as may be agreed upon by such Owner or Occupier and the Magistrates and Council as the Price of such Redemption; provided that such Sum shall not be less than Twenty-five Pounds for every Pound of the said Assessment on an Average of Five Years previous to the said Redemption, payable for or with respect to such Property; and upon such Owner or Occupier making Payment to the Treasurer of the City for the Time being of the Sum so agreed upon, the Treasurer shall grant to such Person a Certificate of such Payment, in the Form of the Schedule (D.) to this Act annexed; and all future Assessments made under the Provisions of the said Acts and this Act on the Property in respect of which the Assessment shall have been so redeemed, shall be reduced by the Amount of Threepence for every Pound of the annual Value thereof; and an Entry of such Certificate in the Register of Sasines for the Burgh of *Edinburgh*, which the Keeper thereof is hereby authorized and required to make on the same being presented to him for that Purpose, shall be Evidence of the said Payment and Reduction of Assessment.

Redemption Monies to be invested.

XIV. The Magistrates and Town Council shall keep a separate Account of the said Monies so received in Redemption of the said Assessments under the Authority of this Act, and when and as often as the Redemption Monies so received shall amount to Five hundred Pounds, they shall lay out and invest a Sum equal to that Amount, or as near thereto as may be, in the Purchase of Bonds of Annuity granted under the Powers of the recited Act of the First and Second *Victoria*, or on such heritable Property or heritable Securities as they shall judge most expedient; and the whole Interest or annual Produce of the said Monies shall be in all Time coming applied exclusively to the same Purposes to which the Assessments so redeemed would have been applied under this Act.

The Sum of 2,000*l.* payable from Exchequer, for the Benefit of

XV. The Sum of Two thousand Pounds, presently payable yearly by Her Majesty's Remembrancer and Her Majesty's Auditor in the Court of Exchequer in *Scotland*, in Terms of the said Act First and Second *Victoria*, Chapter Fifty-five, to and for behoof of

of the Ministers of the City of *Edinburgh*, (being Part of the Sum of Seven thousand six hundred and eighty Pounds mentioned in the said Act), shall, from and after the Term of *Whitsunday* One thousand eight hundred and sixty, be payable to the Commissioners, whose Receipt shall be a sufficient Discharge for the same

the Ministers, to be paid to the Commissioners.

XVI. The Commissioners shall, out of the Moneys received by them under the Provisions of this Act, make Payment in Two equal Portions, at the Terms of *Candlemas* and *Whitsunday* One thousand eight hundred and sixty-one, and annually thereafter, to each of the Ministers for the Time being of the Parochial Churches of the said City after mentioned, or to any Person duly authorized to receive the same on behalf of the said Ministers, a Stipend or Salary of Six hundred Pounds *per Annum;* that is to say, to One Minister of each of the Thirteen following Churches, namely, the *New North* Church, *Trinity College* Church, Lady *Yester's* Church, *Old Greyfriars* Church, *New Greyfriars* Church, *St. John's* Church, *St. George's* Church, *St. Mary's* Church, *St. Stephen's* Church, *Greenside* Church, the *High* Church, the *Tron* Church, and *St. Andrew's* Church; and the surviving or continuing Minister of each of the said Three last-named Churches, having Collegiate Charges, and his Successors in Office, shall be held and deemed to be the Minister of the First Charge of the said Churches respectively, and shall be entitled to receive Payment of the said Stipend or Salary; and they shall also pay at the said Terms the special Annuities contained in the said Bonds to be granted for behoof of the said Doctor *John Hunter*, Doctor *James McLetchie*, and Doctor *George Smith:* Provided that the Portion of the said Salaries or Stipends to be paid at the Term of *Candlemas* shall be for the Period from *Whitsunday* to *Michaelmas* preceding, and the Portion to be paid at the Term of *Whitsunday* shall be for the Period from *Michaelmas* to *Whitsunday;* and such Payments shall be in lieu of, and shall include all Claims for Stipend or Salary for the said Periods respectively, competent at Law, and shall be subject to the whole Conditions applicable by Law to the Stipends or Salaries now payable to the Ministers of *Edinburgh* from the Produce of the said Annuity Tax: Provided always, that upon the Death or Removal of any of the present Ministers of any of the above-mentioned Thirteen Churches, the Successor or Successors of such Minister or Ministers shall not be entitled to demand a Salary or Stipend of more than Five hundred and fifty Pounds *per Annum*, until such Time as the Commissioners named in this Act shall have made such Provision as they may deem expedient for Payment of a Salary or Stipend, amounting to not more than Five hundred and fifty Pounds *per Annum*, to any Ministers who may be nominated by them to the *Tolbooth* Church and the

Stipends of Ministers of the City Churches to be paid out of the Moneys received by the Commissioners.

Old Church under the Powers by this Act conferred upon the said Commissioners.

Accounts to be kept and published by the Commissioners.

XVII. The Commissioners shall cause full and true Accounts to be kept of their whole pecuniary Transactions under this Act, and a State of Accounts or Balance Sheet to be prepared, as on the Thirtieth Day of *June* yearly, and inserted not later than the First Day of *August* thereafter once in at least Two Newspapers published in *Edinburgh*, setting forth the Amount of Moneys received by them from every Source of Income during the Year preceding, and of their Disbursements during the same Period, and the total Amount of the Moneys laid out and invested by them, or remaining in their Hands.

Application of Moneys received by the Commissioners.

XVIII. Any Balance remaining in the Hands of the Commissioners after Provision is duly made for the Payments herein-before prescribed may be applied at the Discretion of the Commissioners to any of the Purposes herein-after mentioned; provided that the Stipends or Salaries of the said Ministers shall be a preferential Charge on the annual Revenue received by the Commissioners, and shall be paid before any Part of the same is applied by them to any of the Purposes herein-after mentioned; namely,

First, in Payment of the Expense of any Works which the Commissioners may consider necessary or desirable in regard to any of the said Churches, or any of the other Parochial Churches within the City of *Edinburgh*;

Second, towards Payment of any Salary or Allowance, permanent or temporary, at the Discretion of the Commissioners, to any Minister or Assistant appointed to serve and serving in any of the Parochial or District Churches in the said City connected with the Church of *Scotland*, for whom no Salary is provided in this Act; or towards the Increase of the Stipends or Salaries of the Ministers of the said Thirteen Churches; or to such other Ecclesiastical Purposes, within or connected with the said City, as to the Commissioners shall seem expedient.

Accounts of the Commissioners to be audited.

XIX. The Accounts of the Commissioners shall, before the Publication of the same annually, be audited and examined with the Vouchers thereof, and docqueted by the Auditor for the Time being of the Court of Session, who shall receive from the Commissioners for his Services such Remuneration as shall be fixed by them; or in case the said Auditor shall consider the Remuneration proposed to be given by the Commissioners to be inadequate, he shall receive from them such Remuneration as shall be fixed by the Lord Ordinary on the Bills, on the summary Application of the Auditor or of the Commissioners.

XX. If

XX. If the Magistrates and Council, or any Person having an Interest in the Moneys to be raised by means of the Assessments to be levied under this Act, shall have reason to believe that the Duties hereby imposed on the Commissioners are not faithfully and duly discharged, he or they, with Concourse of the Lord Advocate, may, by summary Petition, bring the Matter complained of under the Cognizance and Consideration of the Judges of either Division of the Court of Session; and the said Judges shall, in reference thereto, make such Inquiries and issue such Orders as shall in the Circumstances appear to them to be just and expedient.

If Commissioners fail in the Discharge of their Duties, Complaint may be brought before the Court of Session.

XXI. The Right of Patronage or of Presentation of Ministers presently belonging to the Magistrates and Council, as respects the Five following Churches and Charges, namely, the *Tolbooth* Church, the *Old* Church, and the Second Charge of each of the Three Churches having Collegiate Charges, that is to say, the *High* Church, the *Tron* Church, and *St. Andrew's* Church, shall be and the same is hereby, from and after the Eleventh Day of *November* One thousand eight hundred and sixty, transferred to and vested in and may in all Time thereafter be held and exercised by the Commissioners as Patrons thereof; and any Presentation to such Churches and Charges shall be under the Common Seal of the Commissioners: Provided, that it shall be in the Discretion of the Commissioners to make a Presentation or Appointment, either *ad interim* or permanent, to any One or more of the said Five last-named Churches and Charges which may become vacant, or to make no Presentation or Appointment thereto, and to allow the same to lapse and become extinct, as to the Commissioners shall seem most beneficial and expedient; and no Right of Presentation *jure devoluto* shall accrue to the Presbytery, and no Claim to any vacant Stipend shall be competent on behalf of any Person, Society, or Corporation, as respects any Vacancy occurring after the passing of this Act, in any One of the said Five last-named Churches and Charges.

The Right of Patronage, as respects Five Charges, transferred to the Commissioners.

XXII. On Payment being made by the Commissioners to the Treasurer for the Time being of the City of *Edinburgh* of the Sum of Six hundred Pounds, or of such other Sum not exceeding Six hundred Pounds as may be agreed upon as the Value and Price of the Right of Patronage of any One or of each of the Parochial Churches or Charges in the said City (other than those of which the Patronage is by this Act expressly transferred to the Commissioners), or on such Payment being so made by the Kirk Session of any the said Churches or Charges, the Right of Patronage as regards such Church or Charge shall in either Case be transferred by the Magistrates and Council to and vested in the Kirk Session of such Church

Sale of Right of Patronage of Magistrates and Town Council of Edinburgh.

or

or Charge, and may in all Time thereafter be lawfully exercised by the Elders and other Male Members of the Church in which there is a Vacancy, or a Majority of their Number in full Communion, and whose Names have stood on the Roll of Communicants of such Church for not less than Three Years preceding the Occurrence of the Vacancy: Provided always, that the Monies received by the said Treasurer as the Price of the said Rights of Patronage, or any of them, shall be kept in a separate Account, and be laid out and invested in the same Way and applied to the same Purposes as the Redemption Monies which may be paid to the Magistrates and Council under the Provisions of this Act are appointed to be invested and applied.

The Commissioners, with Concurrence of the Presbytery, may alter existing Parochial Arrangements.

XXIII. From and after the Eleventh Day of *November* One thousand eight hundred and sixty the Commissioners shall have and may exercise the whole Rights and Powers heretofore and now belonging to or exercised by the Magistrates and Council with respect to the Parochial Arrangements connected with the City of *Edinburgh* and the Churches and Parishes thereof, and may, with the Consent and Concurrence of the Presbytery of *Edinburgh*, from Time to Time unite, disjoin, or change the Boundaries of any of the said Parishes, as respects the Administration of Public Worship, and of the Sacraments, Pastoral Superintendence, and every other Matter or Duty in regard to which the Magistrates and Council might, with the like Consent and Concurrence, have united, disjoined, or changed the Boundaries of any of the said Parishes, provided that no Interest of a pecuniary, or otherwise of a properly civil Nature, shall be thereby affected; and the said Rights and Powers shall not after the passing of this Act belong to or be exercised by the Magistrates and Council.

Present Ministers to have a preferable Claim on the Moneys provided by this Act.

XXIV. In case the Moneys hereby directed to be applied by the Commissioners to the Payment of the Stipends or Salaries of the Ministers of the said Churches shall in any Year be insufficient for the Payment in full of all the said Stipends or Salaries, the Ministers who have been appointed to any of the said Churches after the passing of this Act, shall have no Claim for the Payment of any Stipend or Salary out of the said Moneys, until the Stipend or Salary of every Person who at the passing of this Act was a Minister of any of the said Churches shall have been paid in full.

Compensation to City Creditors, in lieu of present Security

XXV. In lieu of and as an Equivalent for the Security which the Creditors of the City of *Edinburgh* now have over the free Produce of the Pew or Seat Rents of the Churches of the said City, after Deduction of all preferable Burdens, and of all other Expenses of

of the Ecclesiastical Establishments of the said City, the Magistrates and Council shall annually, on or before the Twenty-fifth Day of *January*, transfer and pay over, from the Produce of the Assessments to be levied under the Powers of the "*Edinburgh* Police Act, 1848," and the "*Edinburgh* Municipality Extension Act, 1856," into the Account kept in relation to the Funds, Revenues, and Property made over to the said Creditors in Security of the Annuities on the Bonds of Annuity granted under the Provisions of the said Act First and Second *Victoria*, Chapter Fifty-five, such proportional Sum as shall correspond with a Rate of One Penny in every Pound of Four Fifths of the gross annual Value of the Property in respect of the Occupation of which the said Assessments are levied: Provided, that in case, under the Provisions of the last-mentioned Act, the said Creditors shall have adjudged or shall adjudge the Funds, Revenues, and Property made over to them in Security, as set forth in Schedule (A.) to the said Act annexed, such Adjudication shall not extend to or include the free Produce of the Pew or Seat Rents of the said Churches, but shall be held to extend to and include the said annual Payment.

over Seat Rents.

XXVI. Subject to the Provisions herein-before enacted in respect of the Seat Rents of the City Churches, nothing in this Act contained shall alter or affect the Rights of the Creditors of the City of *Edinburgh*, as secured by the recited Acts, and the Right in Security created by this Act in favour of the Creditors in the said Annuities are hereby declared to be postponed to the Rights in Security created by the recited Acts, in so far as relates to the Property thereby disponed or assigned for the Security of the said Creditors of the City, and the Rights of the said Creditors in relation thereto, nor shall any of the Provisions of this Act affect the Rights of any Persons holding Rights or Securities over the special Subjects or Property acquired under the Provisions of the Act Tenth and Eleventh *Victoria*, Chapter Forty-eight, or of the Act Thirteenth and Fourteenth *Victoria*, Chapter Seventy; and nothing in this Act contained shall authorize the Commissioners to interfere in any way with the Administration of the Property, Funds, Revenues, or Income hereby assigned in Security of the said Bonds of Annuity, so long as the said Annuities shall continue to be regularly paid.

Nothing in this Act to affect the Rights of the City Creditors, &c. except as provided, respecting the Seat Rents.

XXVII. From and after the Occurrence of the First Vacancy after the passing of this Act in the Second Charge of the Church and Parish of the Burgh of *Montrose*, by the Death, Demission, or otherwise of the Minister at the passing of this Act holding that Charge, the Successors in Office of such Minister shall have no Claim to any

Succeeding Minister in Second Charge of Parish and Burgh of Montrose to have no

Claim to Annuity.

Share of the Moneys raised by means of the Annuity Tax at present levied within the said Burgh for behoof of the Second Minister thereof.

Patronage to be vested in the Elders and other Members of the Church.

XXVIII. The Right of Patronage of the Second Charge of the Church and Parish of *Montrose* vested in the Provost, Magistrates, and Town Council of the said Burgh shall be transferred to and is hereby vested in and may in all Time coming be exercised by the Elders and other Male Members of the Parish Church of *Montrose*, or any Majority of their Number being in full Communion, and whose Names shall have stood on the Roll of Communicants of the said Church and Parish for not less than Three Years next preceding the Occurrence of any Vacancy.

Provost, Magistrates, and Council to pay to succeeding Minister and his Successors a Salary of 200*l.* per Annum.

XXIX. From and after the First Term of *Whitsunday* following the Vacancy in the Second Charge of the Church and Parish of *Montrose* first occurring after the passing of this Act, the Provost, Magistrates, and Town Council of the said Burgh shall pay to the succeeding Minister of the said Second Charge and his Successors in Office an annual Sum of Two hundred Pounds, by equal Portions at the Terms of *Martinmas* and *Whitsunday* respectively, from the first and readiest of the Corporate Funds of the said Burgh.

Kirk Session may levy Seat Rents.

XXX. From and after the First Term of *Whitsunday* following the Vacancy in the Church and Parish of *Montrose* first occurring after the passing of this Act, it shall be lawful for the Kirk Session of the said Church and Parish and they are hereby required to impose and levy Pew or Seat Rents on not more than Nine Tenths of the Pews or Seats in the said Church, at such Rate as shall, in addition to the aforesaid annual Sum of Two hundred Pounds, together with any Stipend or Salary which may arise from the Interest of any Endowment hereafter made for the Minister of the Second Charge, or which may be provided for him by means of special Church Door Collections, yield an annual Sum sufficient to provide for such Minister a Stipend of not less than Three hundred and forty Pounds.

Patronage of the Church of North Leith to be transferred from the "haill Inhabitants," and vested in the "Heritors" and Com-

XXXI. The Right of Patronage or of the Presentation of a Person to be Minister of the Church and Parish of *North Leith*, heretofore belonging to and exercised by the "haill Inhabitants" thereof, under the Statute One thousand six hundred and six, Chapter Twenty-seven, or by any of them, shall, from and after the passing of this Act, cease to be in and belong to the said "haill Inhabitants," and the same is hereby transferred to and vested in the Male Persons, being of full Age, whose Names shall appear on the

the Valuation Roll in force for the Time as Proprietors or Occupiers of any Lands and Heritages situate within the said Parish of *North Leith*, herein-after termed "the Heritors," and the whole Male Communicants whose Names shall stand in the Communion Roll of the said Church and the Congregation thereof; and within Two Months after the passing of this Act the Heritors and Male Communicants shall meet on such Day as shall be named by the Kirk Session, of which Meeting Intimation shall be made from the Pulpit of the said Church, and also by Advertisement in Three or more Newspapers published in *Edinburgh* not less than Eight Days previous to such Meeting; and it shall be the Duty of the Session Clerk to cause the necessary Intimations to be given; and at the Meeting so to be called the said Heritors and Male Communicants who shall be present thereat shall by a Plurality of Voices elect One of their Number to be Chairman of the Meeting, with a casting as well as a deliberative Vote, and shall also elect a Clerk of the Meeting, and shall thereafter by a Plurality of Voices nominate a Committee of their Number, not exceeding Twenty-five Persons, of whom a Majority shall be a Quorum; and the Committee shall forthwith proceed to frame Regulations as to the Time and Manner of calling and holding future Meetings of the Heritors and Communicants, and of voting thereat, and as to any other Matters or Procedure necessary in order to carry into effect the Purposes of this Enactment; and the Regulations so made shall forthwith be published by Advertisement in such Newspapers as the Committee may direct, and shall after such Publication be submitted for the Approval of the Sheriff of *Midlothian*, and when approved by him shall be valid and effectual, and the whole future Procedure shall be regulated thereby; and when any Election of a Person to be a Minister shall have been made under the said Regulations, it shall be sufficient that the Deed of Presentation be subscribed by the Chairman of the Meeting at which the Election shall be made, and by any Three Members authorized by the Meeting to subscribe the same along with him; and such Deed of Presentation, when so subscribed, shall be as valid and effectual as if the same had been subscribed by all Persons entitled to vote in such Election.

municants, and how to be exercised.

XXXII. All Stipends payable under this Act in respect of the Charge becoming vacant, for the Period during which such Charge shall be so vacant, shall be payable to the Trustees for the Ministers Widows Fund for *Scotland* in the same Manner and for the same Purposes as the Stipends of vacant Charges are so payable by Law.

Vacant Stipends to be paid to Ministers Widows Fund.

XXXIII. All Laws, Statutes, and Usages inconsistent with the Provisions of this Act are hereby repealed.

Statutes inconsistent with this repealed.

SCHE-

SCHEDULE (A.)

By virtue of an Act passed in the Twenty-third and Twenty-fourth Year of the Reign of Her Majesty Queen Victoria, intituled [*here insert the Title of this Act*], we, the Lord Provost, Magistrates, and Council of the City of Edinburgh, for ourselves, and as representing the Community of the said City, bind and oblige ourselves and our Successors in Office, in Terms of the said Act, to pay to the "Edinburgh Ecclesiastical Commissioners," for the Purposes of the said Act, a perpetual Annuity of Four thousand two hundred Pounds, by equal Portions on the Second Day of February and the Fifteenth Day of May in each Year, commencing the Payment of the First Portion on the Second Day of February One thousand eight hundred and sixty-one: Declaring that the said Annuity and the said Commissioners shall have the full Benefit of all the Provisions of the said Act; and that the said Annuity shall be redeemable only on Payment at the Rate of One hundred Pounds for each Three Pounds Ten Shillings of Annuity.

_____ Lord Provost.

_____ Treasurer.

_____ Clerk.

Engrossed in the Records of the Town Council of Edinburgh, of Date _____.

_____ City Clerk of Edinburgh.

SCHEDULE (B.)

By virtue of an Act passed in the Twenty-third and Twenty-fourth Year of the Reign of Her Majesty Queen Victoria, intituled [*here insert the Title of this Act*], we, the Lord Provost, Magistrates, and Council of the City of Edinburgh, for ourselves, and as representing the Community of the said City, bind and oblige ourselves and our Successors in Office, in Terms of the said Act, to pay to the Edinburgh Ecclesiastical Commissioners for behoof of the Reverend Doctor John Hunter, One of the Ministers of the Tron Church of Edinburgh, [*or* the Reverend Doctor James McLetchie, One of the Ministers of the High Church of Edinburgh, *or* the Reverend Doctor George Smith, Minister of the Tolbooth Kirk of Edinburgh,] a perpetual Annuity of Six hundred Pounds, by equal Portions on the Second Day of February and the Fifteenth Day of

of May in each Year, commencing the Payment of the First Portion on the Second Day of February One thousand eight hundred and sixty-one; which Annuity shall be payable aye and until a Vacancy shall occur in the said Church and Parish, but no longer; and declaring that the said Annuity, and the said Commissioners for Behoof aforesaid shall have the full Benefit of all the Provisions of the said Act.

_____ Lord Provost.

_____ Treasurer.

_____ Clerk.

Engrossed in the Records of the Town Council of Edinburgh, of Date _____.

_____ City Clerk of Edinburgh.

SCHEDULE (C.)

(1.) Revenues and Properties belonging to the City of Edinburgh (but subject to the Security over the same to the Extent of One thousand Pounds per Annum in favour of the Creditors of the said City created by the Act First and Second Victoria, Chapter Fifty-five); viz.

The Customs and Market Dues of the said City leviable under the Authority of the following Local Acts of Parliament; viz.—Third and Fourth Victoria, Chapter Seventeen; Seventh Victoria, Chapter Seven; Tenth and Eleventh Victoria, Chapter Forty-eight; and the whole Market Places, Buildings, and Properties belonging to the said City, and generally the whole Revenues and Properties which now belong, or which may hereafter belong, to the said City under the Provisions of the said Acts, or any of them.

(2.) Revenues and Properties which now belong, or which may hereafter belong, to the said City under the Provisions of the Act Thirteenth and Fourteenth Victoria, Chapter Seventy.

(3.) Property described in the Statutory Accounts of the said City as belonging to the Common Good, the Rents and Feu Duties of which are set down in the said Accounts for the Year ended on First August One thousand eight hundred and fifty-nine at the Sum of Three hundred and thirty-seven Pounds Thirteen Shillings and Tenpence.

SCHEDULE (D.)

On behalf of the Lord Provost, Magistrates, and Council of the City of Edinburgh, I hereby acknowledge that *A.B.* has this Day made Payment to me, as Treasurer of the said City of Edinburgh, of the Sum of being the Purchase Money of the Assessment at the Rate of Threepence in the Pound of the annual Value of his Property [*here describe the Property and mention its Situation*]; and I certify that the said Assessment has been redeemed; and all future Claim for Payment thereof in respect of the said Property is hereby discharged.

C.D., Treasurer.

Edinburgh [*Date*].

[*To be recorded in the Register of Sasines for Edinburgh.*]

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Printers to the Queen's most Excellent Majesty. 1860.

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VICTORIÆ REGINÆ.

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in the Month of *June* in every Year; the First Return to be made in the Month of *June* One thousand eight hundred and sixty-one.

Returns to be made for the latest Year for which Accounts are made up.

II. Such Returns shall be made for the latest Period of Twelve Months preceding the Month of *June* in each Year for which the Accounts of the Corporation, Justices, Commissioners, Board, Inspectors, Trustees, or other Body or Persons, shall be made up, and shall show the Amounts levied and expended respectively, with such other Particulars and in such Form as shall from Time to Time be ordered by such Secretary of State.

Who are to make Returns in certain Cases.

III. Where no Clerk is appointed or acting, the Treasurer or other Officer keeping the Accounts of the Receipts and Expenditure of the Corporation, Justices, Commissioners, Board, Vestry, Inspectors, Trustees, or other Body or Persons by whom any Rates, Taxes, Tolls, or Dues herein-before mentioned are levied or ordered to be levied shall make the Returns in relation thereto; and where any such Rates, Taxes, Tolls, or Dues are levied and expended or to be accounted for by Churchwardens, Chapelwardens, or any Officers or Persons not authorized to act as a Board, such Returns as herein-before mentioned in respect of such Rates, Taxes, Tolls, or Dues, and the Expenditure thereof, shall be made by such Churchwardens, Chapelwardens, or other Officers or Persons, and they shall be severally liable in respect of any Neglect to make the same.

Penalty for Default.

IV. Any Clerk, Treasurer, Churchwarden, Officer, or other Person required as aforesaid to make such Return who neglects so to do in the Month of *June* in any Year shall be liable to a Penalty not exceeding Twenty Pounds for every such Offence, to be recoverable on summary Conviction thereof before Two Justices.

Saving for Returns already required.

V. Where any annual Return is now by Law required to be made to the Secretary of State, or to any Public Department, under any Act of Parliament, this Act shall not render necessary any further or other Return in respect of the same Matters: Provided always, that the said Secretary of State may, by his Order published in the *London Gazette*, direct that all or any of such Returns now required as aforesaid shall in future be made under this Act, and shall be subject to the Provisions and Penalties thereof.

Abstracts of Returns to be laid before Parliament.

VI. The said Secretary of State shall every Year cause the Returns transmitted to him under this Act to be abstracted, and the Abstract thereof to be laid before both Houses of Parliament.

VII. This

VII. This Act shall not extend to the Rates levied for the Relief of the Poor, or the Expenditure thereof, but the Returns thereof shall continue to be made to the Poor Law Board, as by the Orders of such Board shall from Time to Time be directed.

Poor Rate Returns to be made to Poor Law Board as heretofore.

VIII. This Act shall not extend to any Tolls or Dues taken by any Railway, Canal, or Joint Stock Company as Profits of their Undertaking, or to any Tolls or Dues taken by Prescription or otherwise as private Property.

Saving for Joint Stock Companies and private Rights of Toll, &c.

SCHEDULE.

Church Rates and Chapel Rates; whether made by the Common Law or under the Church Building Acts, or under any other Act of Parliament.

Sewers Rates and "General Sewers Tax," and all Rates, Scots, and Taxes levied by Courts or Commissioners of Sewers; whether levied under the Acts of the 3 & 4 W. 4. c. 22. and 4 & 5 Vict. c. 45. or under any other Act of Parliament, or by Charter, Usage, or Custom.

Rates under the Act for the lighting and watching of Parishes, 3 & 4 W. 4. c. 90.

Rates levied by Improvement Commissioners or other Commissioners, or by any Trustees or Corporation acting under any Local Act for the paving, draining, cleansing, or watching, Improvement or Regulation of any Town or District.

Rates levied by or under the Order of any Vestry or District Board, under the Act 18 & 19 Vict. c. 120., for the better Local Management of the Metropolis.

Tolls and Dues levied under the Authority of Parliament in respect of Markets, Bridges, or Harbours.

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to Buildings to be used for the Manufacture of Machinery and Boilers of Steam Vessels, provided that such Buildings shall consist of One Floor only, &c.

beyond the Distance of Three Miles from *Saint Paul's* Cathedral: Provided always, that every such Building shall consist of One Floor only, and shall be constructed of Brick, Stone, Iron, or other incombustible Material; and it shall not be lawful for the Owners, Lessees, or Occupiers thereof, or for any Persons interested therein, to use such Building for any other Purpose than the Manufacture of the Machinery and the Boilers of Steam Vessels until all the Rules and Provisions of the said Act, as to Party Walls and other Matters which are applicable to Buildings of a similar Character, shall have been duly complied with: Provided also, that every such Building, if of greater Dimensions than Two hundred and sixteen thousand Cubic Feet, shall be subject to the Approval of the Metropolitan Board of Works, in the same Manner as Iron Buildings or Buildings to which the Rules of the said Act are inapplicable as set forth in the Fifty-sixth Section of such Act.

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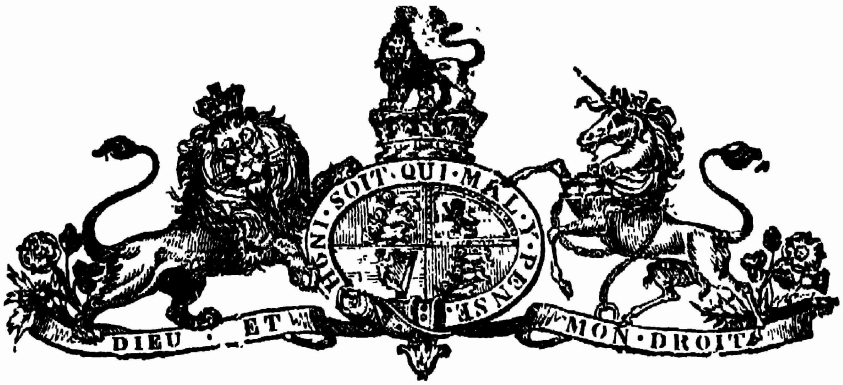

ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

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CAP. LIII.

An Act for the Limitation of Actions and Suits by the Duke of *Cornwall* in relation to Real Property, and for authorizing certain Leases of Possessions of the Duchy. [23d *July* 1860.]

WHEREAS by an Act passed in the Ninth Year of King *George* the Third, Chapter Sixteen, Provision is made for limiting the Right of the King's Majesty, His Heirs and Successors, to sue, impeach, question, or implead any Person, Body Politic or Corporate, for or concerning any Manors, Lands, Tenements, Rents, Tithes, or Hereditaments whatsoever (other than Liberties or Franchises), or for or concerning the Revenues, Issues, or Profits thereof, and for quieting Possessions and Titles against the Crown: And whereas an Act was passed in the Session holden in the Seventh and Eighth Years of Her Majesty, Chapter One hundred and five, "to confirm and enfranchise the Estates of the Conventionary "Tenants of the ancient assessionable Manors of the Duchy of "*Cornwall*, and to quiet Titles within the County of *Cornwall* "as against the Duchy, and for other Purposes," but the Provisions of the said Act for quieting Titles within the County of *Cornwall*

9 G. 3. c. 16

7 & 8 Vict. c. 105.

as against the Duchy do not extend to any Property, Right, Claim, or Question of, to, or concerning Navigable Rivers, Estuaries, Ports, or Branches of the Sea, or the Fundus or Soil thereof respectively, or the Shores between High and Low Water Mark thereof respectively: And whereas it is expedient that as to Hereditaments not within the County of *Cornwall*, and also as to such Hereditaments within the said County as are excepted from the Provisions of the said Act of the Seventh and Eighth Years of Her Majesty, the Limitation applicable to Actions and Suits by the Crown should be made applicable to Actions and Suits by the Duke of *Cornwall*: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Provisions of 9 G. 3. c. 16. as to Limitations of Actions and Suits to extend to the Duke of Cornwall.

I. All the Provisions of the said Act of the Ninth Year of King *George* the Third now applicable to Her Majesty, Her Heirs and Successors, shall extend and be applicable to the Duke of *Cornwall*, in like Manner as if the same were re-enacted and the Duke of *Cornwall* were throughout mentioned or referred to where the "King's Majesty" or "His Majesty" is in the said Act mentioned or referred to, subject nevertheless as to the Property and Possessions included in this Act, to the Provisions contained in Sections Seventy-two and Seventy-five of the Act of the Seventh and Eighth Years of Her Majesty above referred to with respect to the Property and Possessions included therein.

Nothing to affect Provisions of 7 & 8 Vict. c. 105., 2 & 3 W. 4. c. 71., and 2 & 3 W. 4. c. 100.

II. Provided always, That nothing herein-before contained shall extend to the Property or Possessions in relation to which Provision for the Limitation of Actions and Suits and for quieting Titles is made by the said Act of the Seventh and Eighth Years of Her Majesty, or affect the Provisions of the Act of the Session holden in the Second and Third Years of His late Majesty, Chapter Seventy-one, "for shortening the Time of Prescription in certain Cases," or of the Act of the same Session of Parliament, Chapter One hundred, "for shortening the Time required in Claims of Modus decimandi "or Exemption from or Discharge of Tithes."

21 & 22 Vict. c. 109.

III. And whereas by "The *Cornwall* Submarine Mines Act, 1858," it is enacted and declared, that all Mines and Minerals lying under the Sea-shore, between High and Low Water Marks, within the said County of *Cornwall*, and under Estuaries and Tidal Rivers and other Places (below High-water Mark), even below Low-water Mark, being in and Part of the said County, are, as between the Queen's Majesty in right of Her Crown on the one hand and His Royal Highness *Albert Edward* Prince of *Wales* and Duke of *Cornwall* in right of His Duchy of

of *Cornwall* on the other hand, vested in His said Royal Highness *Albert Edward* Prince of *Wales* and Duke of *Cornwall* in right of the Duchy of *Cornwall* as Part of the Soil and Territorial Possessions of the said Duchy, but this Declaration is not to extend to the Mines and Minerals in or under Land below High-water Mark which is Part and Parcel of any Manor belonging to Her Majesty in right of Her Crown; and it is by the said Act provided, that in that Act, unless there is something in the Context repugnant to such Construction, the Expression "Mines and Minerals" shall comprehend all Mines and Minerals, and all Quarries, Veins or Beds of Stone, and all Substrata of any other Nature whatsoever, and the Ground and Soil in, upon, and under which such Mines and Minerals, Quarries, Veins or Beds of Stone, and other Substrata lie: Be it further enacted, That in any Case where it appears to the Council of His Royal Highness *Albert Edward* Prince of *Wales* and Duke of *Cornwall* that any Part of the Land or Hereditaments by the said *Cornwall* Submarine Mines Act declared to be vested in His said Royal Highness as Part of the Soil and Territorial Possessions of the Duchy of *Cornwall* has been inclosed or otherwise improved by or at the Expense of the Person in the Possession thereof, or of any Person under whom he claims, it shall be lawful for the said Council during the Minority of His said Royal Highness to demise the Land or Hereditaments so improved, or any Part thereof, for such Term not exceeding Ninety-nine Years in possession, and subject to such Rent, Reservations, Conditions, and Agreements as under the Circumstances of the Case may appear to the said Council just and reasonable; and every such Lease shall be made under the Great or Privy Seal of His said Royal Highness, and shall be enrolled in the Office of the Duchy of *Cornwall*.

Power to Council to grant Leases of Property declared to be vested in the Duke of Cornwall by 21 & 22 Vict. c. 109.

IV. In the Construction of this Act the Expression "The Duke of *Cornwall*" shall include as well His Royal Highness *Albert Edward* now Duke of *Cornwall* as his Predecessors and Successors Dukes of *Cornwall*, and also the Queen's most Excellent Majesty and Her Predecessors and Successors, Kings and Queens of *England* for the Time being, entitled to the Lands and Possessions of the Duchy of *Cornwall* or the Revenues thereof during a Vacancy of the Duchy of *Cornwall*.

Construction of the Expression "Duke of Cornwall."

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VICTORIÆ REGINÆ.

CAP. LIV.

An Act to amend an Act for abolishing certain Offices on the Crown Side of the Court of Queen's Bench, and for regulating the Crown Office. [6th *August* 1860.]

WHEREAS it is expedient to amend so much of an Act of the Sixth Year of Her Majesty, intituled *An Act for abolishing certain Offices on the Crown Side of the Court of Queen's Bench, and for regulating the Crown Office*, as relates to the Number of Officers on the Crown Side of the said Court, and as to the Certificate required by the said Act to be given by the Lord Chief Justice of the said Court prior to filling up any Vacancy arising in the said Offices: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same: 6 & 7 Vict. c. 20.

I. That from and after the passing of this Act the Office of Assistant Master now vacant, on the Crown Side of the said Court, shall be abolished, and the Officers on the Crown Side of the said Court shall be the Queen's Coroner and Attorney and One Master. As to the Office of Assistant Master on the Crown Side of the Queen's Bench.

Prescribing Mode of filling up future Vacancies in Offices.

II. Instead of the Certificate required by the Third Section of the herein-before recited Act to be given by the Lord Chief Justice of the Court of Queen's Bench before filling up any Vacancy in any such Office, it shall be sufficient if the said Chief Justice shall certify in the Manner prescribed by the said Act that it is necessary for the efficient and satisfactory Conduct of the Business of the Crown Side of the said Court that such Vacancy shall be filled up; such Certificate to be made to the Commissioners of Her Majesty's Treasury, and to be laid before Parliament, as by the said recited Act is provided: Provided always, that it shall be lawful for the said Lord Chief Justice to fill up the Office of Master on the Crown Side of the said Court (such Office being now also vacant) immediately after the passing of this Act, and without certifying as last aforesaid.

Present Vacancy in Office of Master.

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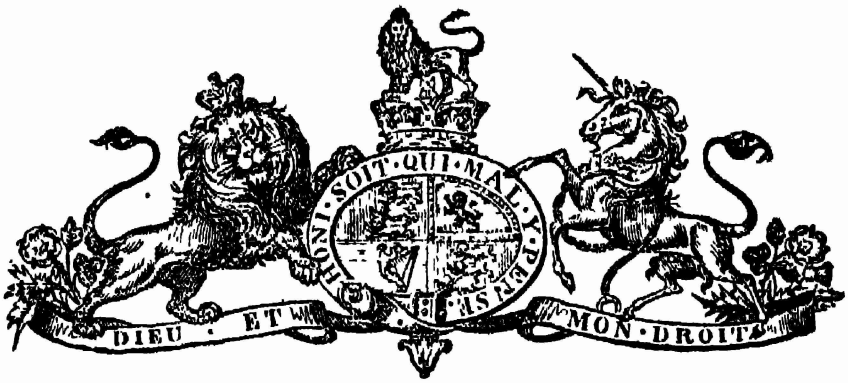

ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

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Short Title.

II. In citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use either the Expression "The Second Annual Inclosure Act, 1860," or "The Acts for the Inclosure, Exchange, and Improvement of Land."

SCHEDULE to which this Act refers.

Inclosure.	County.	Date of Provisional Order.
Dorstone - - -	Hereford - -	22d December 1859.
Oare - - - -	Somerset - -	22d December 1859.
Harborough Banks - -	Warwick - -	5th January 1860.
Clawdd-Coch Common -	Carmarthen -	19th January 1860.
Bromesberrow - - -	Gloucester -	9th February 1860.
Silton Commons - -	Dorset -	23d February 1860.
Checkendon - - -	Oxford - -	16th February 1860.
Sarnau Common - -	Brecon - -	22d December 1859.
Ugre - - -	Radnor - - -	7th June 1860.
Newton Nottage - -	Glamorgan - -	17th May 1860.
Charlton in Wantage -	Berks - - -	17th June 1858.

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VICTORIÆ REGINÆ.

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CAP. LVI.

An Act to make further Provision for Improvements in the Harbours of the *Isle of Man*.

[6th *August* 1860.]

WHEREAS by "The Customs Consolidation Act, 1853," Section Three hundred and fifty-four, it is provided, that the annual Sum of Two thousand three hundred Pounds, made payable by an Act passed in the Session holden in the Eighth and Ninth Years of Her Majesty, Chapter Ninety-four, Section Twenty-five, to Her Majesty's Receiver General in the *Isle of Man*, and to be applied for the lawful Purposes of the Harbour Commissioners therein mentioned, shall be retained and paid by the Collector of Customs of the said Isle out of the Duties collected in the said Isle, as therein-before provided; and by Section Three hundred and fifty-five of the said Customs Consolidation Act it is provided that, in addition to the Deductions from the Customs Duties therein-before provided for, there shall be set aside annually a Sum equal to One Ninth Part of the Amount derived from such Duties, to be applied by the Commissioners of the Treasury in effecting Improvements in the Harbours and other Public Works in the *Isle of Man*, the necessary Repairs and Improvements in the Harbours taking Priority to other Public Works; and that it shall be lawful for the Court of Tynwald from Time to Time to determine what Improvements and Public Works shall be so undertaken, the Lieutenant Governor having 16 & 17 Vict. c. 107.

3 & 4 Vict. c. 63.

a Veto upon such Decision: And whereas under an Act of the Session holden in the Third and Fourth Years of Her Majesty, Chapter Sixty-three, the said Harbour Commissioners are empowered, with the Consent of the Commissioners of Her Majesty's Treasury, to borrow from the Commissioners acting in the Execution of the Act of the Fifty-seventh Year of King *George* the Third, Chapter Thirty-four, Money for the Improvement of the Harbours of the said Isle, on the Security of certain Duties therein mentioned and since repealed, and the said annual Sum of Two thousand three hundred Pounds is now applicable to the same Purposes to which the said repealed Duties would be lawfully applicable: And whereas for expediting Improvements in the said Harbours it is expedient that further Power should be given to raise Money on the Security of the said annual Sum of Two thousand three hundred Pounds, and that Power should be given to raise Money on the Security of the Sums annually applicable to Improvements under Section Three hundred and fifty-five of the said Customs Consolidation Act: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power to Harbour Commissioners of Isle of Man to borrow Money for effecting Improvements in Harbours.

I. It shall be lawful for the said Harbour Commissioners or the major Part of them (of whom Her Majesty's Receiver General in the *Isle of Man*, or his Deputy for the Time being, shall be one), from Time to Time, with the Approbation of the Commissioners of Her Majesty's Treasury, to borrow, of or from any Commissioners, Body, or Person willing to advance the same, on the Security of the said annual Sum of Two thousand three hundred Pounds, to be applied under the said Section Three hundred and fifty-four, and the Sums to be set aside annually for effecting Improvements under Section Three hundred and fifty-five of the said Customs Consolidation Act, 1853, or on the annual Sums so to be applied or set aside under either of such Sections, such Sum or Sums of Money as such Harbour Commissioners or the major Part of them (of whom the said Receiver General or his said Deputy shall be one), with such Approbation as aforesaid, may deem necessary, for the Purpose of effecting Improvements in the said Harbours, and by any Deed or Deeds under the Hands and Seals of the said Harbour Commissioners, or such Majority of them as aforesaid, to charge the said annual Sums on the Security whereof any such Money as aforesaid may be borrowed with the Repayment of the Principal Money and Interest, according to the Terms agreed on with any Commissioners or other Body or Person by whom the respective Advance may be made, without Prejudice, so far as respects the said annual Sum of Two thousand three hundred Pounds, to any Security given to the Commissioners acting in

in execution of the said Act of the Fifty-seventh Year of King *George* the Third, and not then discharged.

II. The Commissioners acting in execution of the said Act of the Fifty-seventh Year of King *George* the Third, Chapter Thirty-four, and in the Execution of any Act or Acts for amending or continuing the same, may make Advances, or further Advances upon the Security of the said annual Sum of Two thousand three hundred Pounds, and of the Sums to be set aside annually under the said Section Three hundred and fifty-five of the said Customs Consolidation Act, or of either of the said annual Sums, and upon such Terms, as to the Time and Mode of Repayment and otherwise, as the Commissioners of Her Majesty's Treasury may approve, anything in an Act of the Session holden in the Sixteenth and Seventeenth Years of Her Majesty, Chapter Forty, notwithstanding.

Power to Public Works Loan Commissioners acting under 57 G. 3. c. 34. to lend Money notwithstanding anything in 16 & 17 Vict. c. 40.

III. The Commissioners of Her Majesty's Treasury may declare what shall be a sufficient Discharge to the Commissioners or other Bodies or Persons advancing such Money in respect of the Advances made by them, and shall also give such Directions as may appear to them proper for securing the due Repayment, out of the annual Sums on the Security of which any Money may be borrowed under this Act, of the Money so borrowed, with the Interest thereof.

Power to Treasury to give Directions for giving Effect to the Security, &c.

IV. Any Security purporting to be executed by the said Harbour Commissioners or by such Majority of them as aforesaid, and which shall be approved by the Commissioners of Her Majesty's Treasury, shall not be impeachable on account of any Informality in the Election or Appointment of such Harbour Commissioners or of any of them, or on account of any Deficiency in Number of the general Body of such Commissioners for the Time being.

Securities not to be affected by certain Informalities.

V. All Money which may be borrowed on the Security of the Sums to be annually set aside under Section Three hundred and fifty-five of the said Customs Consolidation Act shall be applied to such Improvements and Works only as the Court of Tynwald shall have determined to be undertaken; and the Commissioners of Her Majesty's Treasury may give such Directions as they may think fit for securing the Application of such Money accordingly, and generally for securing the due Application of the Money to be borrowed under this Act.

Money borrowed on Sums applicable under Sect. 355 of 16 & 17 Vict. c. 107. to be applied to Works determined by the Court of Tynwald.

VI. No Work which may be determined to be undertaken by the Court of Tynwald shall be commenced or be constructed below High-water Mark at ordinary Spring Tides, nor shall any Works other than those of maintaining, repairing, and cleansing in any Harbour,

Consent of Admiralty to be signified before Works are commenced.

Harbour, or on the Shores of the *Isle of Man*, be commenced or be constructed by any Commissioners or Person whomsoever below such High-water Mark without the previous Consent of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid, for the Time being, to be signified in Writing under the Hand of the Secretary of the Admiralty, and then only according to such Plan, and under such Restrictions and Regulations, as the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, may approve, such Approval being signified as last aforesaid; and where any such Work shall have been constructed it shall not be lawful for the Court of Tynwald or any Commissioners or Person at any Time to alter or extend the same, without obtaining previously to making any such Alteration or Extension the like Consent or Approval, and if any such Work shall be commenced or completed or be altered or extended contrary to the Provisions of this Act, it shall be lawful for the said Lord High Admiral or the said Commissioners for executing the Office of Lord High Admiral, to abate, alter, and remove the same, and to restore the Site thereof to its former Condition.

Power to Admiralty to remove abandoned Works.

VII. If any Work be constructed in any Harbour, or on the Shores of the *Isle of Man*, under, over, through, or across any Tidal Water, which affects or may affect any such Water or Access thereto, shall be abandoned or suffered to fall into Disuse or Decay, it shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition.

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whereas the Lords Commissioners of Her Majesty's Treasury proposed (and caused to be communicated to the Government of *Dominica*) the following Terms for the Liquidation of the Balance of the said Loan and Interest, viz., that on the Government of *Dominica* making a legal Provision for the Payment of the annual Instalments, their Lordships would be prepared to capitalize the Arrears of Interest due, and to ask the Sanction of Parliament, not only to extend the Period for Payment, but also to reduce the Rate of Interest from Four to Three and a Quarter *per Centum*, and they would propose that such Sum should be liquidated by an Annuity for Twenty Years, computed at the Rate of Three and a Quarter *per Centum* Interest, the Annuity including such Interest and a Sinking Fund for the Principal: And whereas it is expedient that the Commissioners of Her Majesty's Treasury should be authorized to direct the Commissioners acting in the Execution of the recited Acts to accept the Repayment of the Balance due in respect of the said Loan by such Instalments or Annuity as aforesaid: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Power to Treasury to accept an Annuity in lieu of Monies due in respect of Balance of Loan due from Dominica.

I. It shall be lawful for the Commissioners of Her Majesty's Treasury, if it shall appear to them that the Legislature of the said Island of *Dominica* have made a legal Provision for the Payment of such annual Instalments or Annuity for Twenty Years as hereinbefore mentioned, to direct that such Payment be accepted in liquidation of the Monies due in respect of the Balance of the said Loan of Ten thousand Pounds, and all Interest due or to become due in respect thereof.

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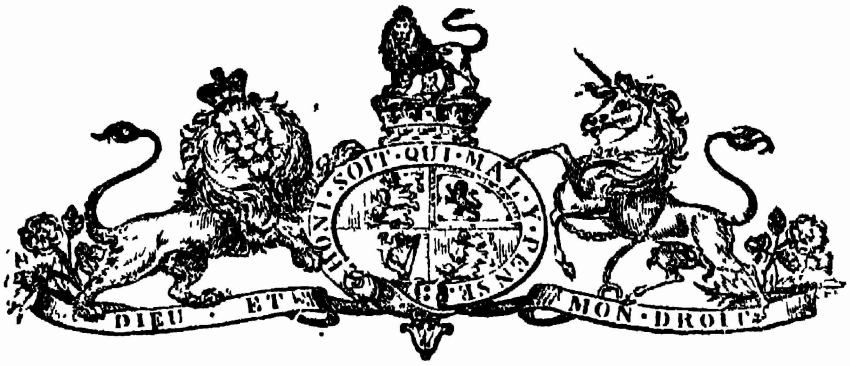

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Condition, and that it would conduce to the Interests of all Parties concerned, that the Affairs of the Society should be wound up and brought to a Termination, he shall make an Award to that Effect, and shall direct in what Manner the Funds and Property of the Society shall be divided or appropriated, and it shall not be necessary in such Case that the Provisions of the said Thirteenth Section be complied with; provided that previous to such Investigation the Registrar shall give not less than Twenty-one Days Notice in Writing, to be sent by Post to the Trustees, Secretary, or other Officer of such Society, at the Place where such Society holds its Meetings.

Registrar's Award to be conclusive without Appeal.

II. Every Award so made as aforesaid by the Registrar shall be final and conclusive on all Members and other Persons having any Claim on the Funds of the said Society, without Appeal, and shall be enforced in the same Manner as by Section Forty-one of the said Act is provided for enforcing the Award of Arbitrators; and the Expenses of such Award, and of publishing the Notice of Dissolution in the Gazette, shall be paid out of the Funds of the Society before any Appropriation thereof shall be made.

Evidence of Dissolution.

III. When any Agreement for the Dissolution of a Society authorized by Section Thirteen of the said Act shall be transmitted to the Registrar; and when any Award authorized to be made by this Act shall be made by the Registrar, Notice thereof shall, within Twenty-one Days after the same shall have been so transmitted or made respectively, be advertised by the Registrar, as respects Societies in *England* in the *London Gazette*, as respects Societies in *Scotland* in the *Edinburgh Gazette*, and as respects Societies in *Ireland* in the *Dublin Gazette*; and unless within Three Calendar Months from the Date of the Gazette in which such Advertisement shall appear, a Member or other Person interested in or having any Claim on the Funds of the Society shall commence Proceedings to set aside the Dissolution of the Society consequent upon such Agreement or Award, the Society shall be considered for all Intents and Purposes, and in all Courts of Law and Equity, as legally dissolved, and the requisite Consents to such Agreement, or, as the Case may be, to the Application to the Registrar, to have been duly obtained, without Proof of the Signatures thereto.

Registrar's Annual Report to contain Particulars of Awards.

IV. The Registrar in his next annual Report submitted to Parliament shall set forth the Particulars of every Award made under the Provisions of this Act which he may have made during the preceding Twelve Months.

V. In

V. In regard to Societies which have been dissolved before the passing of this Act, if Notice of any Agreement for the Dissolution of such Society, already transmitted to the Registrar, or of any Award made under Section Thirteen of the said Act, shall within Three Months after the passing of this Act be advertised in such Gazette as aforesaid, the Provisions of Section Three of this Act shall apply in the same Way as if such Agreement and Award had been transmitted and made subsequent to the passing of this Act.

Provisions as to Societies dissolved before passing of this Act.

VI. The Eighth Section of the Act passed in the Twenty-first and Twenty-second Years of Her Majesty, Chapter One hundred and one, is hereby repealed; but where, previously to the passing of this Act, any Application has been made to the Registrar respecting the Dissolution of a Society under the said Section, such Society shall be dissolved in the same Manner and with the same Incidents as if this Act were not passed, and for the Purposes of such Dissolution the said Section shall be deemed to remain in full Force.

Sect. 8. of 21 & 22 Vict. c. 101. repealed.

VII. If Default shall be made in transmitting to the Registrar before the First Day of *June* in each Year the general Statement or Copy of the last annual Report of any Society, in compliance with the Provisions of Section Forty-five of the Act of the Session of the Eighteenth and Nineteenth of *Victoria*, Chapter Sixty-three, the Officer making such Default shall be liable to a Penalty not exceeding Twenty Shillings, to be recovered, with Costs, at the Suit of the Registrar, before Two or more Justices, as to *England* in manner directed by an Act passed in the Session holden in the Eleventh and Twelfth Years of the Reign of Her Majesty Queen *Victoria*, Chapter Forty-three, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within* England *and* Wales *with respect to summary Convictions and Orders*, and as to *Scotland* before Two or more Justices or the Sheriff of the County, in manner directed by the Act passed in the Session of Parliament holden in the Seventeenth and Eighteenth Years of the Reign of Her Majesty Queen *Victoria*, Chapter One hundred and four, intituled *An Act to amend or consolidate the Acts relating to Merchant Shipping*, as regards Offences in *Scotland* against that Act, not being Offences by that Act described as Felonies or Misdemeanors, and as to *Ireland* in manner directed by the Act passed in the Session holden in the Fourteenth and Fifteenth Years of the Reign of Her Majesty Queen *Victoria*, Chapter Ninety-three, intituled *An Act to consolidate and amend the Acts regulating the Proceedings of Petty Sessions, and the Duties of Justices of the Peace out of Quarter Sessions, in* Ireland, or any Act passed for the Amendment of the above-mentioned

Penalty for not making annual Return to Registrar in compliance with Sect. 6. of 9 & 10 Vict. c. 27.

tioned Acts; and the Justices or Sheriff imposing any Penalty under this Act may direct the whole or any Part thereof to be applied in or towards Payment of the Costs of the Proceedings; and subject to such Direction all Penalties shall be paid into the Receipt of Her Majesty's Exchequer, in such Manner as the Treasury may direct, and shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland.*

If Accounts not made to Commissioners, pursuant to Sect. 34. of 18 & 19 Vict. c. 63., Interest thereon to cease until Accounts made.

VIII. If the Accounts and Returns required from certain Friendly Societies by the Commissioners for the Reduction of the National Debt, pursuant to Section Thirty-four of the said Act, be not made within Thirty Days after the same have been required, the Account of the said Society shall be closed by the said Commissioners, and thenceforth no Interest shall be credited to such Society thereon, until such Accounts and Returns shall be furnished to the said Commissioners, or the Money be withdrawn.

Application on behalf of Society may be made by Registrar.

IX. Any Application authorized by Section Twenty-four of the said recited Act to be made by any Person on behalf of a Society, may be made by the Registrar.

This and Friendly Societies Acts to be construed as One.

X. This Act and the Friendly Societies Acts, 1855 and 1858, shall be construed as One Act, and may be cited together for all Purposes as the Friendly Societies Acts.

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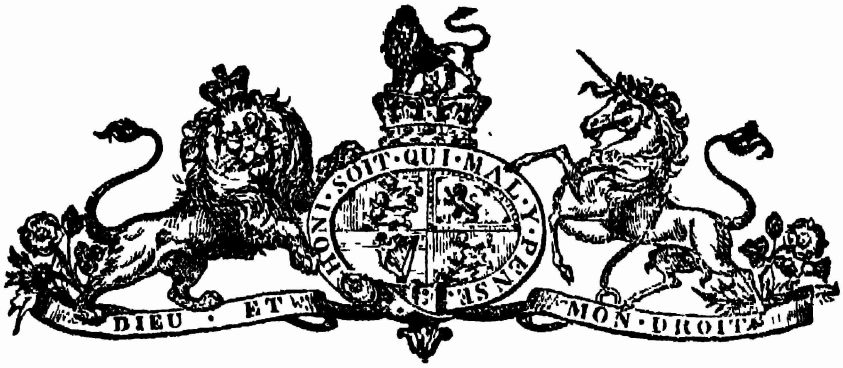

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VICTORIÆ REGINÆ.

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by way of Compensation for Loss of Fines on Non-renewal of Leases.

respectively, or the Colleges of *St. Mary* of *Winchester* near *Winchester*, or of King *Henry* the Sixth at *Eton*, the Leases of which have been customarily renewed on Payment of a Fine, shall from any Cause whatever (other than the Refusal of the University or College entitled to the Reversion of such Lands to accept such a Sum of Money by way of Fine as shall be deemed reasonable by the Copyhold Commissioners, and shall be tendered by the Lessee at the First and each successive Time of Renewal after the Commencement of this Act, or within Three Months of such Time, for the Renewal of any Lease theretofore regularly renewed,) remain unrenewed at any customary Period of Renewal, or whenever any Loss of Fines shall have been occasioned by the Surrender of any Lease upon any Transaction by way of Sale or Exchange between the said Universities or Colleges and their Lessees, under the Fourth Section of "The Universities and College Estates Act, 1858," it shall be lawful for the said Universities and Colleges respectively from Time to Time, with the Consent of the Copyhold Commissioners (such Consent to be evidenced by an Order to be issued under their Hands and the Common Seal of their Board), to raise by Mortgage of any Lands belonging to such University or College for any Term of Years (determinable as herein-after provided) such Sum or Sums of Money (together with all reasonable Costs and Expenses incidental to such Raising) as shall be required, and be stated in such Order, with Interest thereon not exceeding the Rate to be specified in such Order, for the Purpose of paying, by way of Indemnity, to the then existing Members of such University or College the same Amount of Money which would have accrued to the said Members if any such Lease as aforesaid had been renewed in manner theretofore accustomed: Provided always, that the said Power of raising Monies by Mortgage shall not be exercised for the Purpose of providing for the Loss of more than Two Fines in respect of the same Lands, and that upon the Creation of any such Mortgage Provision shall be made by such University or College, with the Approval of the said Copyhold Commissioners, for the Discharge of the borrowed Monies by some or One of the Modes prescribed by the Twenty-eighth Section of "The Universities and College Estates Act, 1858," or otherwise so and in such Manner as that the Principal Money to be borrowed at each customary Period of Renewal in respect of the same Lands may be discharged with the Mesne Interest of such Money within or at the Expiration of Thirty Years from the borrowing thereof; provided also, that in every such Mortgage there shall be contained a Proviso that when the whole of such Principal Monies, Interest, and Costs shall be discharged, the Mortgage Term thereby created shall absolutely cease: Provided always, that after any Sum shall have been raised under the Power herein-before contained in lieu of the Fines payable in respect of any Lease of any Lands no Fine

Fine shall thenceforth be taken for the Renewal or Grant of any Lease of the same Lands.

II. The Order to be issued by the said Commissioners pursuant to the foregoing Provisions shall be similar to the "Form of Order authorizing a Mortgage," contained in the Schedule to the said "Universities and College Estates Act, 1858," with such Variations only as the Circumstances of the Case shall necessarily require.

Form of Order to be issued by Copyhold Commissioners evidencing their Consent.

III. Where any Lands belonging to any such University or College as aforesaid shall at any Time have been leased at the best and most improved yearly Rent without Fine, no Fine, Premium, or Foregift, or anything in the Nature thereof, shall thereafter be taken by such University or College for the Grant or Renewal of any Lease of the same Lands.

Lands once leased at Rackrent not thereafter to be leased upon Fines.

IV. And whereas it is expedient that certain Provisions of the Copyhold Acts, so far as the same Provisions relate to Universities and Colleges, should be amended and explained as hereafter provided: Be it further enacted, That where any Manor belonging to any of the Universities of *Oxford*, *Cambridge*, and *Durham* respectively, or any College therein respectively, or the Colleges of *St. Mary of Winchester* near *Winchester*, or King *Henry* the Sixth at *Eton*, shall be held by any Person or Persons on Lease for a Life or Lives, or for a Term of Years, granted by any such University or College, the University or College entitled to such Manor in reversion expectant on such Lease, and the Lessee thereof as aforesaid, shall jointly constitute "the Lord" of such Manor within the Meaning of "The Copyhold Acts;" and all Consideration Monies payable to the Lord of any such Manor under the same Acts shall be dealt with in the Manner directed by the Thirty-ninth Section of "The Copyhold Act, 1852," or the Sixteenth Section of "The Copyhold Act, 1858," (due Notice of any such Dealing being previously given to the University or College entitled as aforesaid,) until the Time when the reversionary Interest of such University or College in the Manorial Rights of such Manor would, if the same had not been extinguished, have come into possession when the said Consideration Monies, or any Securities in which the same may have been invested, shall, upon Petition to the Court of Chancery or on Application to the Trustees in whom the same shall then be vested (as the Case may be), be paid or transferred to the Copyhold Commissioners to the Account of the University or College entitled thereto, in the same Manner and to be applied for the same Purposes as Enfranchisement Monies payable for the Benefit of any University or College are directed to be paid and applied by the First Section of "The Universities and College Estates Act, 1858."

Amendment of certain Provisions of the Copyhold Acts with respect to Universities and Colleges.

V. When

Power to transfer Lands vested in individual Members of Universities or Colleges to the University or College in its Corporate Capacity upon like Trusts.

V. When any Lands shall be vested in any Person or Persons being a Member or Members of any of the said Universities or Colleges in trust or for the Benefit of the University or College, or the Head or any other Member thereof, it shall be lawful for such Person or Persons (with the Consent of the said Copyhold Commissioners, to be signified by any Writing under their Hands and the Common Seal of their Board) to convey and transfer such Lands in such Manner as that the same may be vested in the University or College in its Corporate Capacity, upon the Trusts nevertheless affecting the same Lands respectively.

Two Copyhold Commissioners to form a Board for Exercise of Powers under 21 & 22 Vict. c. 44.

VI. Any Two of the Copyhold Commissioners shall form a Board for the Exercise of the Powers and Authorities conferred on the said Commissioners by "The Universities and College Estates Act, 1858," and this Act; and any Order, Power of Attorney, or other Instrument issued or executed pursuant to the Provisions of the said Acts, which shall have been or shall hereafter be signed by any Two of the said Commissioners, and sealed with the Common Seal of their Board, shall be valid and sufficient for all Purposes whatsoever.

Extension of certain Provisions of the 3 & 4 Vict. c. 113. with respect to Universities and Colleges.

VII. And whereas it is expedient that the Provisions of the Act of the Third and Fourth Years of the Reign of Her Majesty (Chapter One hundred and thirteen), and also of the Act of the Seventeenth and Eighteenth Years of the same Reign (Chapter Eighty-four), so far as the same relate to Universities and Colleges, should be extended and amended as hereafter provided: Be it further enacted, That Section Sixty-nine of the said Act of the Third and Fourth Years of Her Majesty shall be construed to extend to and shall include as well Benefices with Cure of Souls as Ecclesiastical Rectories, Prebends, and other Preferments without Cure of Souls, Advowsons, and Rights of Patronage, whether exclusive or alternate, Impropriate Rectories, and other Lands and Hereditaments annexed or belonging to, or held either wholly or partly by, or in trust for, any of the Universities of *Oxford*, *Cambridge*, and *Durham*, or any College therein respectively, or either of the Colleges of *St. Mary* of *Winchester* near *Winchester*, and of King *Henry* the Sixth at *Eton*, or the Head or any other Member of any such College, and also to extend to and to include and to authorize Sales by each of the same Universities, as well as each of the Colleges therein respectively, and the said Colleges of *St. Mary* of *Winchester* near *Winchester*, and of King *Henry* the Sixth at *Eton*, and shall also be construed to enable the said Universities or Colleges to sell Advowsons of Benefices the Patronage whereof shall be vested in any Person or Persons in trust for any of the said Universities or Colleges, or for the Benefit of the Head or any other Member thereof respectively, and also to authorize,

authorize, under the Authority herein-after mentioned, the Annexation of the whole or any Part of the Lands or other Hereditaments or Endowments belonging to any such Ecclesiastical Rectory, Prebend, or other Preferment without Cure of Souls, Impropriate Rectories, and other Lands and Hereditaments aforesaid, or the Application of the Proceeds of any Sale thereof, and also the Application of the Proceeds of any Sale of Advowsons and Rights of Patronage, or any Part of the Proceeds of any such Sales, which may be made under the said Section of the said last-mentioned Act, or "The Universities and College Estates Act, 1858," or under any other Authority, or of any Monies, Stocks, Funds, or Securities belonging to such University, College, Head, or Member, by way of Endowment or Augmentation of any Benefice with Cure of Souls, the Patronage whereof shall belong to or be held in trust for or for the Benefit of such University or College, or the Head or other Member thereof: Provided nevertheless, that the Powers conferred by this Clause shall not be exercised to the Prejudice of the existing Interest of any such Head or other Member of a College without his Consent; and in case of any Diminution being occasioned in the Income of any such Head or other Member of a College by any Sale, Annexation, Purchase, or Investment that may be made under the Provisions of the said Acts, Arrangements may be made under the like Authority for giving to such Head or other Member adequate Compensation for such Diminution of his Income out of the Revenues of such College, or out of the Proceeds of any such Sale or Investment; and the said Section of the said last-mentioned Act shall extend to authorize under the like Authority the Purchase out of any of the Corporate Funds or Revenues of any such University or College of Advowsons of Benefices, and also of any Rights of perpetual Presentation or Nomination to Benefices, whether such Benefices be or be not annexed to or held by or in trust for any of the said Universities, or any such College as aforesaid, or the Head or other Member of any such College, to be added to those in the Patronage of such University or College; and the Words "Colleges" and "College" in the said Section of the said last-mentioned Act shall include the Cathedral or House of *Christ Church* in *Oxford*, and the Words "Proper Securities" in the same Section shall be construed to extend to authorize and shall include the Purchase of Lands in Fee Simple, and also an Investment on any of the Parliamentary Stocks or Public Funds of *Great Britain*; and all such Securities, Lands, and Stocks or Funds shall be settled, held, applied, or disposed of in such Manner as by the University or College effecting such Sale, Purchase, or Investment, and by the like Authority, shall be arranged and determined in that Behalf; and every Endowment or Augmentation which shall be made by any University or College of any Benefice with Cure of Souls under the

Authority of this Section, or by virtue of the Provisions of the Act of the First and Second Years of His late Majesty King *William* the Fourth (Chapter Forty-five), or any other Act or Acts of Parliament, shall be valid notwithstanding the clear annual Value of such Benefice shall at the Time of such Endowment or Augmentation exceed or be thereby made to exceed the Limits prescribed by the Sixteenth Section of the said Act of the First and Second Years of King *William* the Fourth, or any other Act or Acts of Parliament: Provided, that no such Augmentation or Endowment beyond the clear annual Value of Five hundred Pounds shall be made under the said Act of the First and Second Years of King *William* the Fourth, except with the Consent of the Ecclesiastical Commissioners for *England* (to be testified by Writing under their Common Seal) in addition to such other Consents as may be otherwise required thereto.

Provision as to Right of Patronage severed.

VIII. On the Sale or Annexation under the last preceding Clause of any Ecclesiastical Rectory, Prebend, or other Preferment without Cure of Souls, or of any Impropriate Rectory to which any Right of Patronage shall belong, and which is not intended to be included in such Sale or to accompany such Annexation, such Right of Patronage shall immediately after such Sale or Annexation be separated from and be no longer exercised by the Holder of such Ecclesiastical Rectory, Prebend, or other Preferment without Cure of Souls, or Impropriate Rectory, but shall by force of this Act be absolutely transferred to and vested in the University or College, the former Patrons or Owners of such Ecclesiastical Rectory, Prebend, or other Preferment or Impropriate Rectory.

8 & 9 Vict. c. 18. incorporated.

IX. The Lands Clauses Consolidation Act, 1845, (except such Parts thereof as relate to the Purchase of Lands otherwise than by Agreement, and to the Recovery of Forfeitures, Penalties, and Costs, and to the Sale of superfluous Lands,) shall be incorporated with and form Part of the said Section Sixty-nine of the said Act of the Third and Fourth Years of Her Majesty (Chapter One hundred and thirteen) as extended by this Act, and as if the corporate Name or Denomination of the University or College in each particular Case had been inserted therein instead of "The Promoters of the Undertaking:" Provided that the Powers by the said Act vested in "The Promoters of the Undertaking" shall be exercised only by such University or College with the Consent of the Ecclesiastical Commissioners for *England* testified as aforesaid.

The Ecclesiastical Commissioners con-

X. "The Authority" herein-before and in the said Act of the Third and Fourth Years of Her Majesty provided shall, so far as relates to Universities and Colleges, be and be deemed to be "The Ecclesiastical

Ecclesiastical Commissioners for *England*," and such Authority shall be deemed to be sufficiently exercised and evidenced by any Writing under their Common Seal.

stituted "the Authority" referred to.

XI. Where any Rent or annual Sum of Money granted, reserved, or made payable, or to be granted, reserved, or made payable under any of the Powers of the said Act of the Seventeenth and Eighteenth Years of Her Majesty (Chapter Eighty-four), or of the several Acts therein mentioned or otherwise, to the Incumbent of any Church or Chapel, by way of Endowment, or in augmentation of the Endowment of any such Church or Chapel, is or shall be charged upon or made payable out of any Rectory Impropriate Tithes, annual Revenues, Lands, Tenements, or other Hereditaments belonging to any of the said Universities or Colleges respectively, it shall be lawful for the said Universities and Colleges respectively, with the Consent of the Incumbent for the Time being of the said Church or Chapel, and also with the Consent of the Archbishop or Bishop of the Diocese within which the said Church or Chapel shall be situate, and also of the Patron or Patrons of the said Church or Chapel, (such Consent to be signified by the said consenting Parties respectively executing the Deed or Deeds herein-after mentioned,) and notwithstanding any Statute or Law to the contrary, by Deed duly executed to appropriate and annex in perpetuity to such Church or Chapel any Lands, Tithes or Portion of Tithes, or other Hereditaments belonging to any such University or College as aforesaid, to the Intent that the same may be held and enjoyed by the Incumbent for the Time being of such Church or Chapel in lieu of and substitution for such Rent or annual Sum of Money as aforesaid; and it shall be lawful for the said Incumbent for the Time being to accept to him and his Successors such substituted Endowment or Augmentation, and thereupon by the same or any other Deed duly executed by him, and with such Consents and so signified as aforesaid, to release any Impropriate Rectory Tithes, annual Revenues, Lands, Tenements, or other Hereditaments theretofore charged with the said Rent or annual Sum of Money, and the Premises so released shall be thenceforth wholly discharged from the said Rent or Sum of Money, and from all Powers and Remedies for the Recovery thereof: Provided always, that no Consent of any Archbishop or Bishop shall be given to any such Annexation and Release respectively as aforesaid unless such substituted Endowment or Augmentation shall be proved to the Satisfaction of the said Archbishop or Bishop to produce an Income which shall exceed or be fully equal to the Rent or annual Sum of Money for which the same shall be substituted and be expressed to be so proved in the Deed by which such Consent shall be signified; provided also, that when any Lands, Tithes or Portions of Tithes, or other Hereditaments, which shall be

Power to substitute Land or other permanent Endowment in lieu of annual Rents or other Payments, in Extension of certain Provisions of 17 & 18 Vict. c. 84.

so annexed as aforesaid, shall be comprised in any subsisting Lease or Leases previously granted thereof, such Annexation shall not prejudice or affect any such subsisting Lease or Leases; but in every such Case any Rent or Rents reserved by any such Lease or Leases, or a proportionate Part thereof (in case other Hereditaments shall also be comprised in such Lease or Leases), shall during the Continuance of the said Lease or Leases be payable to the Incumbent for the Time being of the Church or Chapel to which the Premises shall be annexed as aforesaid, and such Incumbent for the Time being shall have all the same Powers for the Recovery of the said Rent or Rents, or of the proportionate Part thereof, as aforesaid, as the University or College by whom the Annexation shall have been made might have had in case the Premises had not been so annexed.

Interpretation of Terms.

XII. This Act shall be read and construed according to the Definitions and Interpretations contained in the Thirty-first and Thirty-second Sections of "The Universities and College Estates Act, 1858," and the Word "College" in the said Act of the Third and Fourth Years of Her Majesty and in this Act shall be interpreted to include any "Hall" in the said Universities or either of them.

Short Title.

XIII. It shall be sufficient for all Purposes to cite this Act as "The Universities and College Estates Act Extension, 1860."

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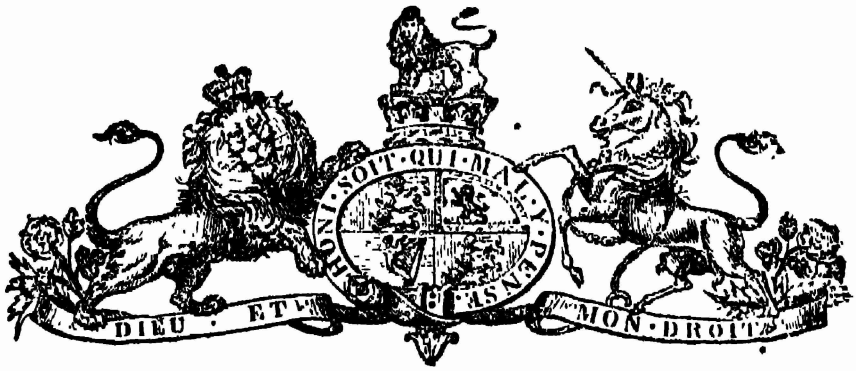

ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

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" so removed should remain under Confinement in *Bethlehem* " *Hospital* until it should be duly certified to One of Her Majesty's " Principal Secretaries of State, by Two Physicians or Surgeons, that " such Prisoner had become of sound Mind, whereupon the Secretary " of State should issue his Warrant to the President, Treasurer, and " Governors of *Bethlehem Hospital*, ordering that such Prisoner be " re-delivered into the Custody of the Marshal or Keeper of the " Queen's Prison, for the Purpose of being remanded to the Queen's " Prison :" And whereas it is expedient that further Provision should be made as to Prisoners removed to *Bethlehem Hospital* as aforesaid, where they continue of unsound Mind after they would have been entitled to be discharged from the Queen's Prison : Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

Prisoners sent to Bethlehem Hospital under 5 & 6 Vict. c. 22. may be removed when they would have been entitled to their Discharge from the Prison.

I. Where any Prisoner has been removed from the Queen's Prison to the said Hospital of *Bethlehem* under the recited Enactment, and has not been duly certified to have become of sound Mind, but the Term of his Imprisonment has expired, or by reason of the Discharge of his Debts or otherwise such Prisoner, if he had been of sound Mind, and had continued in the Queen's Prison, would have been entitled to be discharged, it shall be lawful for One of Her Majesty's Principal Secretaries of State, if he so think fit, by his Warrant directed to the President, Treasurer, and Governors of *Bethlehem Hospital*, upon the Application of any Person who shall be named in such Warrant, to order the Removal of such Prisoner to any other registered Hospital, or to any Lunatic Asylum or House licensed for the Reception of Lunatics, or to the Care or Charge of any Person mentioned or named in such Warrant for this Purpose, and every such Warrant shall be made in Duplicate, and One of the Duplicates shall be delivered to and left with the Superintendent of the said Hospital of *Bethlehem*, and the other Duplicate shall be delivered to and left with the Superintendent or Proprietor of the Hospital, Asylum, or House into which or the Person into whose Care or Charge the Prisoner is ordered to be removed, and such Warrant shall be a sufficient Authority for the Removal of such Prisoner, and also for his Reception into the Hospital, Asylum, or licensed House into which or by the Person into whose Care or Charge he is ordered to be removed, and thereafter the Authority of the Secretary of State in relation to the Prisoner so removed shall cease.

Lunatics removed from

II. Any Prisoner removed under this Act to any Hospital, Asylum, or Licensed House, or into the Care or Charge of any Person

Queen's Prison.

Person other than the Person upon whose Application the Warrant of the Secretary of State is mentioned to have been made, shall be considered and treated as an ordinary Lunatic Patient, under the Acts for the Regulation of the Care and Treatment of Lunatics, and the said Applicant for the Warrant shall have the same Powers, Rights, and Liabilities as if he had signed an Order for the Reception of the Lunatic under the said Acts, upon which such Lunatic had been lawfully received into such Asylum, registered Hospital, or licensed House, or by the Person into whose Care or Charge he is removed.

Bethlehem under this Act to be within the Provisions of the Lunacy Acts.

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CAP. LXI.

An Act for taking the Census of *England*.

[6th *August* 1860.]

WHEREAS it is expedient to take the Census of *England* in the Year One thousand eight hundred and sixty-one: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Secretary of State to superintend the taking of the Census.

I. One of Her Majesty's Principal Secretaries of State shall have the Care of superintending the taking of the Census, and shall cause to be prepared and printed, for the Use of the Persons to be employed in taking it, such Forms and Instructions as he shall deem necessary; and the Registrar General shall issue all such Forms and Instructions to the Persons for whose Use they shall be intended; and all the Expenses which shall be incurred by Authority of such Secretary of State under this Act, shall be paid out of such Monies as shall be provided by Parliament for that Purpose.

Registrars Sub-districts to be formed into Enumerator's Divisions.

II. Every Registrar's Sub-District in *England* shall be formed into Enumerator's Divisions according to Instructions to be prepared by or under the Direction of such Secretary of State, who shall cause a sufficient Number of Copies of such Instructions to be sent to every Registrar of Births and Deaths in *England*; and the Registrars, with all convenient Speed, shall divide the several Sub-Districts into Enumerator's Divisions according to such Instructions, and subject in each Case to be revised by the Superintendent Registrar, and to the final Revision and Approval of the said Registrar General.

Enumerators to be appointed.

III. The several Registrars of Births and Deaths in *England* shall make and return to their respective Superintendent Registrars a List containing the Names and Places of Abode of a sufficient Number of Persons, duly qualified according to Instructions to be prepared by or under the Direction of such Secretary of State, to act as Enumerators within their several Sub-Districts, and such Persons, when approved of by the Superintendent Registrar, shall be appointed by him Enumerators for taking the Census, subject nevertheless to the Approval of the said Registrar General; and the Registrar, with the Approval of the Superintendent Registrar, shall assign a Division to each Enumerator, and shall distribute to the several Enumerators in his Sub-District the Forms and Instructions which shall have been issued for that Purpose by the Registrar General, and shall personally ascertain that each Enumerator thoroughly understands the Manner in which the Duties required of him are to be performed.

Householders Schedules to be left at Dwelling Houses.

IV. Schedules shall be prepared by or under the Direction of such Secretary of State for the Purpose of being filled up by or on behalf of the several Occupiers of Dwelling Houses as herein-after provided, with Particulars of the Name, Sex, Age, Rank, Profession, or Occupation, Condition, Relation to Head of Family, and Birth-place of every living Person who abode in every House on the Night of *Sunday* the Seventh Day of *April* One thousand eight hundred and sixty-one, and also whether any were blind, or deaf and dumb; and the Registrars in *England* shall in the course of the Week ending on Saturday the Sixth Day of *April* in the Year One thousand eight hundred and sixty-one leave or cause to be left at every Dwelling House within their respective Sub-districts One or more of the said Schedules for the Occupier or Occupiers thereof or of any Part thereof, and upon every such Schedule shall be plainly expressed that it is to be filled up by the Occupier of such Dwelling House, (or where such Dwelling House is let in different Stories or Apartments, and occupied distinctly by different Persons or Families, by the Occupier of each such distinct Story or Apartment,) and that the Enume-

Enumerator will collect all such Schedules within his Division on the *Monday* then next following; and every Occupier of any Dwelling House, or of any distinct Story or Apartment in any Dwelling House, with or for whom any such Schedule shall have been left as aforesaid, shall fill up the said Schedule to the best of his or her Knowledge and Belief, so far as relates to all Persons dwelling in the House, Story, or Apartment occupied by him or her, and shall sign his or her Name thereunto, and shall deliver the Schedule, so filled up, or cause the same to be delivered, to the Enumerator, when required so to do; and every such Occupier who shall wilfully refuse or without lawful Excuse neglect to fill up the said Schedule to the best of his or her Knowledge and Belief, or to sign and deliver the same as herein required, or who shall wilfully make, sign, or deliver, or cause to be made, signed, or delivered, any false Return of all or any of the Matters specified in the said Schedule, shall forfeit a Sum not more than Five Pounds nor less than Twenty Shillings.

Occupiers to fill up the Schedules and sign and deliver them to the Enumerator.

Penalty for Neglect.

V. The Enumerators shall visit every House in their respective Divisions, and shall collect all the Schedules so left within their Division from House to House, so far as may be possible, on *Monday* the Eighth Day of *April* in the Year One thousand eight hundred and sixty-one, and shall complete such of the Schedules as upon Delivery thereof to them shall appear to be defective, and correct such as they shall find to be erroneous, and shall copy the Schedules, when completed and corrected, into Books to be provided them for that Purpose, and shall add thereunto an Account, according to the best Information which they shall be able to obtain, of all the other Persons living within their Division who shall not be included in the Schedules so collected by them.

Schedules to be collected from House to House, and corrected if found to be erroneous.

VI. Every Enumerator shall also take an Account of the occupied Houses, and of the Houses then building and therefore uninhabited, and also of all other uninhabited Houses within his Division; and shall also take an Account of all such Particulars herein-before mentioned, and none others, as by the Forms and Instructions which may be issued under this Act they may be directed to inquire into; and in the Book into which he shall have copied the Householders Schedules and other Particulars, as herein-before directed, each Enumerator shall distinguish the several Parishes and Places maintaining their own Poor within his Division, or such Parts thereof as shall be within his Division, and shall also distinguish those Parishes and Places or Parts of Parishes and Places within his Division which are within the Limits of any City or Borough returning or contributing to return a Member or Members to serve in Parliament, or of any incorporated City or Borough, or of any Ecclesiastical District, and shall deliver such Book to the Registrar

Enumerators to take an Account of Houses, &c., and to distinguish the Boundaries of Parishes, Boroughs, &c.

Enumerators to deliver

their Books, with the Householders Schedules to the Registrar.

Registrar of the Sub-district, together with the Householders Schedules collected by him, and shall sign a Form or Declaration to the Effect that the said Book has been truly and faithfully filled up by him, and that to the best of his Knowledge the same is correct, so far as may be known; which Form of Declaration shall be prepared by or under the Direction of such Secretary of State, and issued by the Registrar General with the Forms and Instructions aforesaid.

Registrars to verify the Enumerator's Books.

VII. The Registrar to whom such Enumeration Book shall be delivered shall examine the same, and shall satisfy himself that the Instructions in each Case have been punctually fulfilled, and if not shall cause any Defect or Inaccuracy in the said Book to be supplied, so far as may appear possible; and when the Books shall have been made as accurate as is possible the Registrar shall deliver them to the Superintendent Registrar of his Sub-district.

Superintendent Registrars to examine the Enumerator's Books, and return them to the Registrar General.

VIII. The Superintendent Register shall examine all the Books which shall be so delivered to him, and shall satisfy himself how far the Registrars have duly performed the Duties required of them by this Act, and shall cause any Inaccuracies which he shall discover in such Books to be corrected, so far as may be possible, and shall return on or before the First Day of *May* One thousand eight hundred and sixty-one all the Books which shall have been delivered to him to the Registrar General, for the Use of such Secretary of State.

An Abstract of Returns to be printed, and laid before Parliament.

IX. The Secretary of State shall cause an Abstract to be made of the said Returns; and such Abstract shall be printed, and laid before both Houses of Parliament within Twelve Calendar Months next after the First Day of *June* in the Year One thousand eight hundred and sixty-one, if Parliament be sitting, or, if Parliament be not sitting, then within the first Fourteen Days of the Session then next ensuing.

Masters, &c. of Gaols, &c. to be appointed Enumerators of the Inmates thereof.

X. The Master or Keeper of every Gaol, Prison, or House of Correction, Workhouse, Hospital, or Lunatic Asylum, and of every Public or Charitable Institution, which shall be determined upon by the said Registrar General, shall be the Enumerator of the Inmates thereof, and shall be bound to conform to such Instructions as shall be sent to him by the Authority of One of the said Secretaries of State, for obtaining the Returns required by this Act, so far as may be practicable, with respect to such Inmates.

Overseers, Peace Officers, and

XI. The Overseers of the Poor in every Parish, Township, and Place in *England*, and the Constables, Tithingmen, Headboroughs, or other

other Peace Officers for such Parishes, Townships, and Places, and the Relieving Officers in any Union formed under the Provisions of an Act passed in the Fifth Year of King *William* the Fourth, intituled *An Act for the Amendment and better Administration of the Laws relating to the Poor in* England *and* Wales, shall be bound to act as Enumerators under this Act within their respective Townships, Parishes, and Places, and Unions, if required so to act by One of the said Secretaries of State, and where they shall so act shall be entitled to Allowances as Enumerators under the Provisions of this Act; and every such Overseer, Relieving Officer, Constable, Tithingman, Headborough, and other Peace Officer who shall refuse or wilfully neglect so to act, and duly to perform the Duties required of the said Enumerators by this Act, shall for every such Offence forfeit a Sum not more than Ten Pounds nor less than Five Pounds.

Relieving Officers of Unions formed under 4 & 5 W. 4. c. 76. bound to act as Enumerators.

XII. The Secretary of State shall obtain, by such Ways and Means as shall appear to him best adapted for the Purpose, Returns of the Particulars required by this Act with respect to all houseless Persons, and all Persons who during the said Night of *Sunday* the Seventh Day of *April* were travelling or on Shipboard, or for any other reason were not abiding in any House of which Account is to be taken by the Enumerators, and other Persons as aforesaid, and shall include such Returns in the Abstract to be made by him as aforesaid.

Returns of houseless Poor and of Persons travelling or on Shipboard.

XIII. One of the said Secretaries of State shall cause to be prepared a Table of Allowances to be made to the several Enumerators, Registrars, Superintendent Registrars, and other Persons in *England* employed in the Execution of this Act; and such Table when approved by the Commissioners of Her Majesty's Treasury, shall be laid before both Houses of Parliament on or before the First Day of *March* One thousand eight hundred and sixty-one, if Parliament be sitting, or, if Parliament be not sitting, then within the first Fourteen Days of the Session then next ensuing.

Table of Allowances to Enumerators in England.

XIV. The Superintendent Registrar of every District in *England* shall within One Calendar Month next after the taking of the Census certify to the said Registrar General the total Amount of the Allowances to which he, and the Registrars, Enumerators, and other Persons in that District, are respectively entitled, according to the said Table.

Payments to be certified to the Registrar General.

XV. The Commissioners of Her Majesty's Treasury shall through the Registrar General, pay to each Superintendent Registrar out of the Monies provided by Parliament for that Purpose, the whole Amount of the Allowances to which the said Superintendent Registrar, and the

Manner in which the Payments shall be made to Persons employed in

execution of this Act in England.

the Registrars, Enumerators, and other Persons in each District, are severally entitled, according to the said Table; and each Superintendent Registrar shall pay over to the Registrars in his District the Allowances to which the said Registrars are entitled; and shall also pay over or cause to be paid over to the Enumerators and other Persons in his District the Allowances to which they are severally entitled, according to the said Table; and the Receipts to be given by the Enumerators and other Persons, and Registrars, for Payment of their said Allowances, shall be delivered to the Superintendent Registrar, who shall transmit the same together with the Receipt for his own Allowance, to the Registrar General: Provided always, that no such Payment shall be made to any Enumerator or other Person who shall be required to act as an Enumerator under this Act, but upon Production of a Certificate under the Hand of the Registrar that the Duties required of such Enumerator or other Person acting as Enumerator by this Act have been faithfully performed, and the like Certificate shall be required under the Hand of the Superintendent Registrar with respect to the Registrar before any Payment shall be made to the Registrar, and the like Certificate under the Hand of the said Registrar General with respect to the Superintendent Registrar before any Payment shall be made to the Superintendent Registrar.

Penalty on Persons for wilful Default.

XVI. Every Superintendent Registrar and Registrar, and every Enumerator and other Person who shall be required to act as Enumerator, in *England*, so appointed as aforesaid, making wilful Default in any of the Matters required of them respectively by this Act, or making any wilfully false Declaration, shall for every such wilful Default or false Declaration forfeit a Sum not exceeding Five Pounds nor less than Two Pounds.

Penalty for refusing Information or giving false Answers.

XVII. The Enumerators and other Persons employed in the Execution of this Act shall be authorized to ask all such Questions as shall be directed in any Instructions to be prepared by or under the Direction of the said Secretary of State, which shall be necessary for obtaining the Returns required by this Act; and every Person refusing to answer or wilfully giving a false Answer to such Questions or any of them shall for every such Refusal or wilfully false Answer forfeit a Sum not exceeding Five Pounds nor less than Twenty Shillings.

Recovery and Application of Penalties.

XVIII. All Penalties imposed by this Act shall be recovered in a summary Manner before Two Justices of the Peace having Jurisdiction in the County or Place where the Offence is committed, in the Manner prescribed by Law in this Behalf; and shall be paid, One Half

Half to the Informer, and the other Half to the Treasurer of the County or Place for which the Justices before whom the Forfeiture is recovered shall have acted, to be by him applied in aid of the Expenditure.

XIX. In the Construction of this Act, the Words "Parish or Place, Parishes or Places," shall include the various Denominations of Townships, Tithings, Hamlets, Villages, Chapelries, Quarters, Wards, Parcels, Lordships, Manors, or Parts of any Parish, and all other Places, whether denominated Vills, Precincts, or otherwise, and whether connected with any Parish or deemed to be extra-parochial; and the Words "Dwelling House" shall include all Buildings and Tenements of which the whole or any Part shall be used for the Purpose of Human Habitation. Interpretation of Terms.

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shall fix, severally visit every House within such Districts as may be assigned to them respectively, and take an Account in Writing, according to such Instructions as may be given to them by the Chief or Under Secretary to the Lord Lieutenant of the Number of Persons dwelling therein, and of the Sex, Age, Religious Profession, and Occupation of all such Persons, distinguishing the Persons born in the Place or Parish and County in which they shall be then dwelling; and shall also take an Account of the Number of inhabited Houses and of uninhabited Houses, and of Houses then building within such Districts respectively; and shall also distinguish those Parishes and Places, or Parts of Parishes and Places, within each District respectively, which are within the Limits of any City or Borough returning a Member or Members to serve in Parliament; and shall also take an Account of all such further Particulars as by such Instructions they may be directed to inquire into; and all the Expenses which shall be incurred by Authority of such Lord Lieutenant under this Act shall be paid out of such Monies as shall be provided by Parliament for that Purpose.

Masters, &c. of Gaols, &c. to be appointed Enumerators of the Inmates thereof.

IV. The Master or Keeper of every Gaol, Prison, or House of Correction, Workhouse, Hospital, or Lunatic Asylum, and every Barrack Master, and every Master or Keeper of every public or charitable Institution which shall be determined upon by the Lord Lieutenant, shall act as the Enumerator of the Inmates thereof, and shall be bound to conform to such Instructions as shall be sent to him by the Authority of the Lord Lieutenant for obtaining the Returns required by this Act, so far as may be practicable with respect to such Inmates.

Forms, &c. to be furnished for their Use.

V. For the more effectual obtaining of such Accounts, the said Chief or Under Secretary shall prepare and cause to be printed such Forms and Instructions for the Use of the several Persons who shall be appointed as aforesaid to take or certify the said Accounts as he shall deem necessary.

Power to make the Inquiry.

VI. The better to enable such Persons to take the said Accounts, they are hereby authorized and empowered to ask all such Questions of all Persons within their respective Districts, respecting themselves or the Persons constituting their respective Families, and of all such further Particulars as shall be necessary for the Purpose of taking the said Accounts.

Penalty for refusing to answer, or for giving false Answers.

VII. Every Person refusing to answer or wilfully giving a false Answer to any such Questions, and every Person in any way wilfully obstructing such Persons in the Execution of the Duties required of them

them under this Act, shall for every such Refusal, false Answer, or wilful Obstruction, on Proof thereof being made before any Justice or Justices at Petty Sessions for the District in which such Person shall reside, or, if such Person shall reside within the Police District of *Dublin* Metropolis, before the Divisional Justices of such District, on the Testimony of One or more credible Witnesses, forfeit a Sum not exceeding Five Pounds, at the Discretion of the said Justice or Justices before whom such Complaint shall be so made.

Penalty on Persons employed if guilty of wilful Default or Neglect.

VIII. Every Member of the said Police or Constabulary Forces, or other Person, who shall be so appointed to take the said Accounts, or to assist therein, who shall make any wilful Neglect, Default, or Falsification in any Matters relating to the said Accounts, shall for every such Neglect, Default, or Falsification, on Proof thereof being made before any Justice or Justices at Petty Sessions for the District in which he shall so act, or in case such Member of the Police or Constabulary Force, or other Person, shall act for the Police District of *Dublin* Metropolis, before the Divisional Justices of such District, on the Testimony of One or more credible Witnesses, forfeit a Sum not exceeding Five Pounds nor less than Forty Shillings, at the Discretion of the said Justice or Justices before whom such Complaint shall be so made.

Proceedings how to be taken, and Penalties recovered and applied.

IX. All Proceedings under this Act, as to compelling the Appearance of such Member of the said Police or Constabulary Forces, or other Person, or of any Witness, and as to the Hearing and Determination of such Complaints, or any other Matter relating thereto, and as to the Application of Fines, Amerciaments, and forfeited Recognizances, imposed or levied under this Act at Petty Sessions, shall be subject in all respects to the Provisions of "The Petty Sessions "(*Ireland*) Act, 1851," as the same is amended by "The Petty "Sessions Clerk (*Ireland*) Act, 1858," (when the Case shall be heard in any Petty Sessions District,) and to the Provisions of the Acts relating to the Divisional Police Offices (when the Case shall be heard in the Police District of *Dublin* Metropolis), so far as the said Provisions shall be consistent with any special Provisions of this Act; and when any Fine or Penalty is imposed at any of the Divisional Police Offices of *Dublin* Metropolis, under the Provisions of this Act, such Fines and Penalties shall be paid over to the same Purposes and appropriated and applied in the same Manner as is now by Law authorized in respect of Fines and Penalties imposed at such Divisional Police Offices respectively.

Application of Fines and Penalties imposed.

X. The

The Persons taking the Accounts to certify and affirm as to their Correctness, and deliver them to the Officer appointed to receive them.

Such Officer to transmit them to the Office of the Chief Secretary.

X. The said several Persons so appointed to take the said Accounts, or to assist therein, shall sign and certify the same, and make solemn Affirmation before any Justice of the Peace within the County, to the Effect that the said Account has been truly and faithfully taken by him (or them), and that to the best of his (or their) Knowledge the same is correct, so far as may be known, and shall deliver the same to such Officer of the said Police or Constabulary Forces, or other Person, as may be appointed by the Lord Lieutenant to receive the same, within each County, City, Town, or Place; and such Officer or Person shall examine the same, and cause any Defect or Inaccuracy which may be discovered therein to be supplied or corrected, so far as may be possible, and shall certify and transmit the same to the Office of the said Chief or Under Secretary, in such Manner and within such Time as the Lord Lieutenant shall direct, and the same shall be digested and reduced into Order under the Direction of the said Chief or Under Secretary, by such Persons as the Lord Lieutenant shall appoint for that Purpose; and an Abstract thereof shall be laid before both Houses of Parliament within Twelve Months after the Day on which the said Account shall be taken, or (if Parliament be not then sitting) within the first Fourteen Days of the Session next ensuing.

An Abstract thereof to be laid before Parliament.

Punishment of Persons wilfully making false Affirmation or Declaration.

XI. Every solemn Affirmation or Declaration made or signed under the Authority of this Act shall be of the same Force and Effect as if the Person making such Affirmation or Declaration had taken an Oath in the usual Form, so that if the Person making such Affirmation or Declaration shall be convicted of having therein wilfully and falsely affirmed or declared any Matter or Thing, he shall be subject to the same Pains, Penalties, and Forfeitures to which Persons convicted of wilful Perjury are subject.

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Oaths of Allegiance, Supremacy, and Abjuration, to omit the Words "and I make this Declaration upon the true Faith of a Christian," and the taking and subscribing by such Member, pursuant to such Standing Order, of the Oath so modified shall, so far as respects the Title to sit and vote in such House, have the same Force and Effect as the taking and subscribing by other Members of the said Oath in the Form required by the last-mentioned Act.

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Board for the District of such Commissioners, and that thereupon such Local Board or such Commissioners, as the Case might be, should be a Burial Board for such District accordingly: And whereas under "The Local Government Act, 1858," a Local Board may, at the Option of the Vestry, be the Burial Board in certain Cases: And whereas it is expedient that such Local Boards and Commissioners respectively, when constituted Burial Boards, should be authorized to provide for their Expenses as herein-after mentioned: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in the present Parliament assembled, and by the Authority of the same, as follows:

21 & 22 Vict., c. 98. s. 49.

Expenses of Local Board constituted a Burial Board may be paid out of General District Rate, or by a separate Rate.

I. Any Money required by any Local Board constituted a Burial Board for defraying the Expense of carrying into execution the Powers and Provisions of the Burial Acts and of this Act in the District for which they may have been so constituted a Burial Board, or for paying any Moneys borrowed or Annuities granted under the Authority of the said Acts, or any Interest on Moneys borrowed, or for providing a Sinking Fund for the Repayment of such Moneys, may, if the Local Board so think fit, be paid out of the General District Rates leviable within such District; and such Local Board may levy as Part of the General District Rate, or by a separate Rate, under the Name and Designation of a Burial Rate to be assessed and recovered in like Manner as a General District Rate within the District for which they act as a Burial Board, such Sums of Money as shall be from Time to Time necessary for the Purposes aforesaid, or any of them.

Expenses of Improvement Commissioners, when acting as a Burial Board, may be paid out of Improvement Rate, or by a separate Rate.

II. Any Money required by any such Commissioners as aforesaid who shall have been constituted a Burial Board for defraying the Expense of carrying into execution the Powers and Provisions of the Burial Acts in the District for which they may have been so constituted a Burial Board, or for paying any Moneys borrowed, or Annuities granted under the Authority of the said Acts, or any Interest on Moneys borrowed, or for providing a Sinking Fund for the Repayment of such Moneys, may, if the Commissioners so think fit, be paid out of the Improvement Rate leviable within such District, and the Commissioners as such Burial Board may levy as Part of the Improvement Rate, or by a separate Rate under the Name and Designation of a Burial Rate to be assessed and recovered in like Manner as an Improvement Rate, such Sums of Money as shall be from Time to Time necessary for the Purposes aforesaid, or any of them.

Separate Accounts to be kept.

III. The Local Board and the Commissioners respectively who may have been constituted a Burial Board shall keep distinct Accounts of

of their Receipts and Expenditure in the Exercise of their Functions as such Burial Board; and where their Expenses are defrayed by Moneys raised under the Provisions of this Act, such Accounts shall be audited in the same Manner as other Accounts of the Receipts and Expenditure of such Local Board and Commissioners respectively, and any Surplus of the Moneys raised by any Rate made under this Act, and of the Income of any Burial Ground provided by means of Moneys raised or paid under the Provisions of this Act, which may remain after Payment of the Expenses and Moneys which should be defrayed or paid under the Burial Acts, shall be applied in aid of the General District Rate or Improvement Rate, as the Case may be, levied within the District, which shall have been or might have been charged with a separate Rate under this Act.

As to Appointment of Burial Boards without Consent of Secretary of State.

IV. Where any Parish or Place has been divided into Two or more Parts or Districts for all or any Ecclesiastical Purposes, and any One of such Parts has a separate Burial Ground, it shall not be lawful for the Vestry or Meeting in the Nature of a Vestry for such entire Parish or Place to appoint a Burial Board without the Approval of One of Her Majesty's Principal Secretaries of State.

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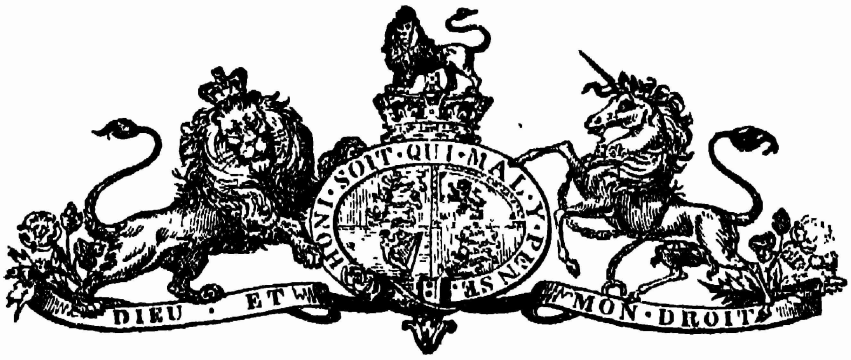

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Her Majesty's Regular Forces, Militia, Fencible Regiments, Artillery, or Royal Marines, whether at home or abroad, whilst respectively actually employed in Her Majesty's Service, and to Serjeants, Corporals, Drummers, Trumpeters, Fifers, and Private Soldiers in the Service of the *East India* Company, whilst actually employed in the Service of the Company; but the Letters of Commissioned Officers or Warrant Officers, whether in the Army or Navy, or Midshipmen, or Masters Mates of the Navy were not included in that Provision; and it was declared that with respect to Letters sent by any such privileged Persons, and with respect to Letters received by the Post by any of the said privileged Persons, certain Conditions therein respectively mentioned and prescribed should be observed; and also that any Letters received by the Post under that Enactment by any such privileged Persons which might have been re-directed should not be charged any Postage on or in respect of such Re-direction: And whereas another Act was passed in the Session of Parliament holden in the Tenth and Eleventh Years of the Reign of Her Majesty, Chapter Eighty-five, for giving further Facilities for the Transmission of Letters by Post and for the regulating the Duties of Postage thereon, and for other Purposes relating to the Post Office, and by the Seventh Section of the said last-mentioned Act it was provided that the Privilege given to Seamen and Soldiers by the said before-recited Act should be enjoyed by such Seamen and Soldiers, whether any such Letters should be liable to any Foreign Postage or not, but subject to the Payment of the Foreign Postage if any should be chargeable thereon: And whereas the like Privileges were afterwards given and granted to Seamen employed abroad in the Service of the *East India* Company, whilst actually employed in the Service of the Company, by Treasury Warrant duly made and bearing Date the Twenty-eighth Day of *November* One thousand eight hundred and forty-four: And whereas another Act was passed in the Session of Parliament holden in the Twenty-first and Twenty-second Years of the Reign of Her Majesty, Chapter One hundred and six, for the better Government of *India*, and by the Fifty-sixth Section of the said last-mentioned Act it was provided that the Military and Naval Forces of the *East India* Company should be deemed to be the *Indian* Military and Naval Forces of Her Majesty: And whereas it is expedient to make further Provision for enabling Commissioned and Warrant Officers, Seamen, and Soldiers to receive their re-directed Letters free of the re-directed Rates of Postage whilst actually employed in Her Majesty's Service: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

10 & 11 Vict. c. 85.

I. The

Postage (Army and Navy).

I. The Commissioners of Her Majesty's Treasury may from Time to Time, by Warrant under their Hands, authorize all Letters received by the Post on their own private Concerns by Commissioned Officers and Warrant Officers whether in the Army or the Navy, and Midshipmen and Masters Mates in the Navy, whether at home or abroad, and by Commissioned and Warrant Officers, Midshipmen, and Masters Mates in Her Majesty's *Indian* Military and Naval Forces, and by Seamen employed in Her Majesty's Navy, whether at home or abroad, and by Serjeants, Corporals, Drummers, Trumpeters, Fifers, and Private Soldiers in Her Majesty's Regular Forces, Militia, Fencible Regiments, Artillery, or Royal Marines, whether at home or abroad, and by Serjeants, Corporals, Drummers, Trumpeters, Fifers, Private Soldiers, and Seamen in Her Majesty's *Indian* Military and Naval Forces, whilst respectively actually employed in Her Majesty's Service, to be delivered to all such Persons respectively free of Foreign Postage chargeable on or in respect of Re-direction on such Letters when such Letters shall have been re-directed and again forwarded by the Post and transmitted or sent through any Foreign Country, (the several Conditions imposed by the said Fifty-third Section of the before-recited Act of the Third and Fourth *Victoria*, Chapter Ninety-six, with respect to Letters received by the Post by the privileged Persons therein mentioned being duly observed with respect to Letters to be received by the Post by such Seamen, Serjeants, Corporals, Drummers, Trumpeters, Fifers, and Private Soldiers respectively as aforesaid,) and may also from Time to Time, by Warrant under their Hands, reduce or remit the Rates of Postage, *British* or Colonial, which may be chargeable by Law on or in respect of Re-direction on all Letters received by the Post on their own private Concerns by Commissioned Officers and Warrant Officers whether in the Army or Navy, and Midshipmen and Masters Mates in the Navy, whether at home or abroad, and by Commissioned Officers and Warrant Officers, Midshipmen and Masters Mates in Her Majesty's *Indian* Military and Naval Forces, whilst respectively actually employed in Her Majesty's Service, which shall have been re-directed and again forwarded by the Post.

Power to Treasury, by Warrant, to authorize private Letters of Commissioned and Non-commissioned Officers, &c. to be delivered free of the Foreign Postage chargeable in respect of Re-direction;

or to reduce Rates of British or Colonial Postage.

II. Any printed Copy of the *London Gazette* in which any Warrant or Order issued or made under or by virtue of this Act, or purporting so to be, shall be published shall be admitted as Evidence by all Courts, Judges, Justices, and others of such Warrant or Order, and of the due making and issuing thereof, and of the Contents of any such Warrant, without any further or other Proof of such Warrant.

London Gazette to be Evidence of due issuing of such Warrant.

III. This

Act to be deemed a Post Office Act.

III. This Act shall be deemed and considered a Post Office Act, and the several Terms and Expressions used therein shall be construed according to the respective Interpretations contained or referred to in the said Act of the Third and Fourth Years of the Reign of Her Majesty, Chapter Ninety-six.

Commencement of Act.

IV. This Act shall come into operation on the First Day of *October* One thousand eight hundred and sixty.

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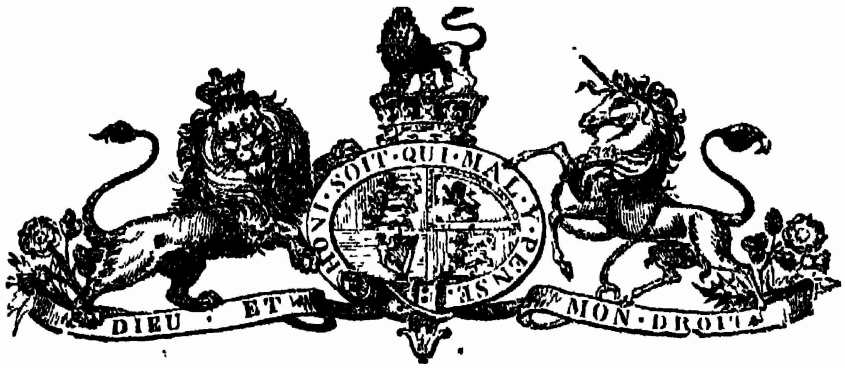

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Doubts should be removed: And whereas by an Act passed in the Fourteenth and Fifteenth Years of the Reign of King *Henry* the Eighth, intituled *The Privileges and Authorities of Physicians in* London, certain Letters Patent, dated the Twenty-third Day of *September*, in the Tenth Year of the Reign of His said Majesty, whereby certain Physicians in *London* therein named were incorporated by the Name of "The President and College or Commonalty of the Faculty of Physic in *London*," were ratified and confirmed; and by the said Act it was enacted, that the Six Persons named in the said Letters Patent, and Two more of the said Commonalty to be chosen by them, should be called Elects, and that the said Elects should yearly choose One of them to be President of the said Commonalty, and that as oft as any of the Places of the said Elects should become void the Survivors should choose and admit One or more, as Need should require, of the said Faculty to supply the Number of Eight Persons, and that no Person should from thenceforth be suffered to practise in Physic through *England* until he be examined by the said President and Three of the said Elects, and have from them Letters Testimonial, except he be a Graduate of *Oxford* or *Cambridge*: And whereas the main Function of the said Elects, *viz.*, that of examining and granting Letters Testimonial, has been virtually superseded by the said Medical Act, and they have ceased to grant Letters Testimonial in accordance with the Provisions contained in the last-recited Act; and it is therefore expedient that the before-recited Provisions should be repealed: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

14 & 15 Hen. 8. c. 5.

Interpretation of Terms.

I. The Expression in the Medical Act and this Act "The Corporation of the Royal College of Physicians of *London*," or "The Royal College of Physicians of *London*," shall be taken to denote the Corporation of "The President and College or Commonalty of the Faculty of Physic in *London*."

New Charters may be granted to the Colleges.

II. Any new Charter which, under the Provisions of the Medical Act, shall be granted to the Corporation of the Royal College of Physicians of *London*, may be granted to them either by and in the Name of the Royal College of Physicians of *London*, or, as provided by that Act, by and in the Name of the Royal College of Physicians of *England*; and any such new Charter granted to the Corporation of the Royal College of Physicians of *Edinburgh* may be granted to that College either by and in its present Name, or, as provided by the Medical Act, by and in the Name of the Royal College of Physicians of

of *Scotland;* and any such new Charter granted to the Corporation of the King and Queen's College of Physicians in *Ireland* may be granted to that College either by and in its present Name, or, as provided by the Medical Act, by and in the Name of the Royal College of Physicians of *Ireland.*

Colleges to retain all existing Rights, notwithstanding Change of Name.

III. The granting of new Charters to the said Corporations respectively by and in the altered Names and Styles respectively, as provided in the Medical Act, shall not, in respect of such Alteration of Name or Style merely, alter or affect in any way the Rights, Powers, Authorities, Qualifications, Liberties, Exemptions, Immunities, Duties, and Obligations granted, conferred, or imposed to or upon, or continued and preserved to the said Corporations respectively, and the respective Presidents, Censors, Fellows, Members, and Licentiates thereof, by the respective Charters and Acts of Parliament relating to the said Corporations respectively, or by the Medical Act, the Act to amend the Medical Act, the Medical Acts Amendment Act, 1860, and this Act respectively; but the said Corporations respectively, and the respective Presidents, Censors, Fellows, Members, and Licentiates thereof, shall, notwithstanding any such Change of Name and Style, have and retain all such and the same Rights, Powers, Authorities, Qualifications, Liberties, Exemptions, and Immunities, and be subject to all such and the same Duties and Obligations, as if such new Charters respectively had been granted to them by and in their respective Names and Styles as then existing.

Colleges to hold Property notwithstanding Change of Name.

IV. Each of the said Corporations shall also, notwithstanding any such Alteration of Name or Style, have, hold, and enjoy, and continue to have, hold, and enjoy, all Lands and other Real and Personal, Heritable and Moveable Property belonging to such Corporation, either beneficially or in trust, at the Date of the granting of such new Charter, and may execute and perform any Use or Trust for, the Time being vested or reposed in such Corporation.

Provisions in 14 & 15 Hen. 8. c. 5. as to the Elects repealed.

V. So much of the Act of the Fourteen and Fifteen *Henry* the Eighth, Chapter Five, as relates to the Elects of the said Royal College of Physicians of *London*, and their Powers and Functions, shall be and the same is hereby repealed, but this Repeal shall not prejudice or affect the Rights and Privileges of any Persons to whom the said President and Elects may have granted Letters Testimonial; and all Trusts which by any Deed, Gift, Devise, or Bequest are vested in, or to be executed or performed by the Elects, or some defined Number of them, shall vest in and accrue to, and be executed and performed by the Censors of the said College for the Time

Time being as if the Name of the Censors had in such Instruments respectively been used instead of that of the Elects, and the Office and Name of Elects of the said College shall henceforth wholly cease and determine.

Election of the President of the Royal College of Physicians of London.

VI. The Office of President of "The Royal College of Physicians of *London*" shall be an annual Office; and *Thomas Mayo*, Doctor of Physic, the now President of the said Corporation, shall remain such President until the Day next after *Palm Sunday* in the Year One thousand eight hundred and sixty-one, when he shall go out of Office; and the Fellows of the said Corporation shall, at a Meeting to be holden by them for that Purpose, on the same Day, and on the same Day in every subsequent Year, elect some One of the Fellows of the said Corporation in such Manner as shall be provided by any Byelaw or Byelaws made in that Behalf by the said Corporation, and for the Time being in force, to be President of the said Corporation, but the retiring President shall always be capable of being re-elected, and every President shall remain in Office until the actual Election of a new President; or in case of the Death, Resignation, or other Avoidance of any such President before the Expiration of his Year of Office, the said Fellows shall, at a Meeting to be holden by them for that Purpose, as soon as conveniently may be (of which due Notice shall be given), elect One other of the Fellows of the said Corporation in such Manner as aforesaid to be President for the Remainder of the Year in which such Death, Resignation, or other Avoidance shall happen, and until such Election the Duties of President shall be performed by the senior Censor for the Time being.

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Districts may be altered from Time to Time.

II. Provided also, That it shall be lawful for the said County Roads Boards of the several Counties of *South Wales* respectively from Time to Time if they shall see Occasion to alter the Limits of any such District in their respective County either by consolidating the whole or any Part of it with any other District, or by dividing it into One or more Districts; and the Order by which such Alteration is made shall within One Month after the making thereof be published, together with a Description or Statement of the Boundaries of such Districts, or of the Parishes comprised therein respectively, by Advertisement in One or more of the Newspapers circulating in the County in which the Order is made, and Notice thereof shall be given to the Clerks of such Districts as are affected thereby.

Power to County Roads Board to appoint and dismiss Surveyors.

III. Every County Roads Board acting in and for each of the said Counties respectively shall, by Writing, upon which no Stamp or other Duty shall be payable, appoint One Surveyor for each District declared as aforesaid, to overlook the Management and Repairs of the several Highway Districts in their County, and shall also determine the Salaries to be paid to such Surveyors respectively; and the Board may from Time to Time remove the said Surveyors, and so often as the said Offices or any of them shall become vacant shall appoint other fit and proper Persons for the same; and the Salaries of such Surveyors shall be paid out of the Highway Rate, and shall be, by an Order made by the County Roads Board, apportioned amongst and charged upon the Parishes within each respective District, in the same Manner and in the same Proportions as the County Rate shall be chargeable at the Time the Order is made: Provided nevertheless, that such District Surveyor shall not expend Moneys levied in any one of the Parishes within his District, except for the Use and Benefit of the Parish in which it is so levied, unless with the Consent of the Inhabitants of such Parish in Vestry assembled, for the Purpose of carrying on Repairs or beneficial Improvements for the common Benefit of the Parishes aforesaid, and shall keep separate and distinct Accounts for each Parish within his District, and such Accounts shall specify the different Sums and the Persons to whom and by whom the same shall have been paid.

Transfer of Property and Powers vested in existing Surveyors of Highways to Highway Boards.

IV. All Land and Property vested, or which, if this Act had not been passed, would have been vested, in any Surveyor of Highways of any Parish elected or appointed under the Act of the Fifth and Sixth Years of King *William* the Fourth, Chapter Fifty, and all the Powers of letting or otherwise disposing of any such Land or Property vested in, or which, if this Act had not been passed, would have been vested in or exercisable by such Surveyor, and all Rents, or other Income of Land or Property which such Surveyor is, or, if this Act had

had not been passed, would have been entitled to receive, shall, upon and after the Cesser under this Act of the Powers of such Surveyor, be vested in and exercisable and received by the Highway Board of the District in which such Parish is comprised; and all Tools, Materials, Implements, Matters, and Things purchased or provided, or thereafter to be purchased or provided, for the Use or Repair of the Highways of any Parish or District, and the Scrapings of such Highways, and all Books, Papers, Writings, and Accounts relating to such Highways, shall be vested in the Highway Board of the District in which the same are situate, and all Land, Chattels, and Property whatsoever hereby transferred to any Highway Board shall be vested in such Board for the Benefit of the Parish to which the same belongs, or to the Repairs of the Highways of which the same, or the Rents, Income, and Proceeds thereof, would have been applicable, and Credit shall be given to such Parish for such Rent, Income, and Proceeds accordingly, and in the Case of any such Chattels, belonging to or provided for any Parish which may be made available for the common Use or Benefit of the several Parishes within the District of such Highway Board, such Highway Board shall give such Parish Credit for what they may consider the Value thereof, as for so much Money received in respect of such Parish.

Duties of District Surveyor.

V. The Surveyor of Highways of each District shall, subject to the Control of the Highway Board for such District, maintain and keep in repair the Highways which the several Parishes in such District may be liable to repair, and for that Purpose shall on behalf of the Highway Board make all necessary Contracts for Highway Materials and for Cartage and other Works for the Repair of the Highways, and shall superintend the Execution of all such Works, and shall make all such Payments as by the Highway Board may be ordered to be made by him, and keep true and particular Accounts of all Moneys received by him, and of the Application thereof, and shall keep separate and detailed Accounts of the Expenditure in or on account of each Parish, and shall at every ordinary Meeting of the Highway Board produce his Accounts for Examination and Allowance by the Board, and report to such Board such Circumstances in relation to the State of the Highways in the District and the other Matters aforesaid as may require the Order or Direction of the Board, and as to the Progress or Completion of all Works which may have been ordered by the Board, and shall submit to the Board an Estimate of the Expense of any proposed Work, and shall twice at the least in every Year, or oftener if the Board direct, report in Writing the State and Condition of all Highways in the District.

VI. The

Powers and Responsibilities of Surveyor.

VI. The Surveyor of Highways of each District shall, except for the Purpose of making, assessing, and levying Rates, and producing and verifying his Accounts at Special Sessions, and except as herein otherwise provided, have all Duties, Powers, and Responsibilities, as regards the Parishes in such District, of a Surveyor elected under the said Act of the Fifth and Sixth Years of King *William* the Fourth, Chapter Fifty; and all Acts and Provisions not hereby repealed, applicable to such last-mentioned Surveyor, shall, save as herein otherwise provided, apply in like Manner to a Surveyor of Highways of a District appointed under this Act, and all Penalties and Forfeitures or Parts thereof payable to such Surveyor shall be paid by him to the Treasurer of the Highway Board, to the Credit of the Parish in respect whereof the same are recovered: Provided, nevertheless, that such Surveyor shall in the Exercise of such Duties and Powers act under the Directions and Control of the Highway Board, and shall be indemnified by such Board out of the Moneys coming to the Hands of their Treasurer in respect of all Expenses and Liabilities properly incurred by him.

Highways to be continued under the Care and Management of existing Local Boards.

VII. The Maintenance and Repairs of the several Highways situate and being within the several Districts which have been or shall be hereafter formed, shall, subject to the Authority of the said County Roads Board, be under the Care and Management of Local Boards, to be styled Highway Boards, and which are and shall hereafter be constituted in manner following; that is to say, all Persons who are now elected or who shall hereafter be elected Guardians of the Poor for the Parish or Parishes contained in such District during the Period they are such Guardians, and all Her Majesty's Justices residing within or acting at any Petty Sessions within or holden for the District, shall constitute the Highway Board for such District, and such Justices shall not by reason of being Members of such Highway Board be incapable of acting as Justices of the Peace in the Execution of this Act, or in any Matters relating to the Highways under the Care and Management of said Board; and every such Board shall be a Body Corporate by the Style of the Highway Board for the District of (inserting the Name of the Highway District), and by that Name shall have perpetual Succession and a Common Seal, and sue and be sued, and have Power and Authority (without Licence in Mortmain) to hold Lands for the Purposes of the Highways.

Highway Boards to hold Four ordinary Meetings every Year.

VIII. The Highway Board for every District shall in every Year hold not less than Four ordinary Meetings, and the Meetings of such Board after their First Meeting shall be holden at such convenient Place or Places, and at such Times, as they shall at their First Meeting and from Time to Time thereafter appoint; and One of such Meetings

Meetings shall be appointed for the Purpose of auditing the annual Accounts of the Board as herein-after provided; and any such Board may also hold special Meetings, every such special Meeting to be called by the Clerk to such Board, by the Direction of the Chairman or Vice-Chairman, or upon the Requisition of any Three Members of such Board; provided that no Business, Matter, or Question shall be done, discussed, or entertained at any such special Meeting other than the special Business or Matter for which it shall have been called, and which shall be specified in the Notice convening such Meeting.

Special Meetings may be holden.

IX. Any Meeting of the Highway Board may be adjourned from Time to Time to any Day and Hour and to the same or any other Place; and if there be not Three Members of the Board present within One Hour after the Time appointed for holding any Meeting then it shall be lawful for the Members or Member present, or, if no Member be present, for the Clerk to such Board, to adjourn such Meeting in manner aforesaid.

Adjournment of Meetings.

X. Notice in Writing of every special Meeting of any Highway Board, and of every Meeting of any such Board holden by Adjournment (whether by Adjournment from an ordinary or a special Meeting), shall be given by the Clerk to such Board to every Member thereof, and every such Notice shall be given or sent by the Post or otherwise by the Clerk to every such Member, or left at his Place of Abode, Seven Days, or, in the Case of a Meeting holden by Adjournment, Three Days at least before the Day appointed for the Meeting to which it relates.

Notice of special Meetings and of Meetings by Adjournment.

XI. The Highway Board for each District shall elect Two Members of such Board to be the Chairman and Vice-Chairman thereof for the Space of One Year, and such Election shall take place at their First Meeting, or at some Adjournment thereof, in every Year; and the Chairman and Vice-Chairman of each Highway Board at the Commencement of this Act shall continue in Office until their Successors shall be appointed at the First Meeting of the Board as aforesaid; and the Chairman, or, in case of his Absence at the Commencement of any Meeting the Vice-Chairman, shall preside at all Meetings of such Board, and shall have a Casting Vote in addition to his Vote as a Member; and in case at the Commencement of any Meeting both Chairman and Vice-Chairman be absent, then such other Member as may be chosen by the major Part of the Members present shall preside as Chairman of such Meeting; and whenever the Chairman or Vice-Chairman shall die or become disqualified, refuse, or become incapable to act, such Board shall at their ordinary Meeting to be holden next after such Death, Disqualification,

Chairman and Vice-Chairman to be elected.

lification, Refusal, or Incapacity, elect some other Member of such Board in his Stead.

Quorum.

XII. All Acts, Orders, Matters, and Things by this Act authorized to be made or done by any Highway Board may be made or done by the major Part of the Members of any such Board present at any Meeting to be holden by virtue of this Act, the whole Number present together at such Meeting not being less than Three; and all Orders made by any such Board shall be in Writing, and signed by the Chairman presiding at the Meeting at which the same are made, and countersigned by the Clerk, and sealed with the Seal of the Board.

Authentication of Orders.

Defect of Election, &c. of Members not to vitiate Proceedings.

XIII. No Defect in the Qualification or Election of any Person acting as a Member of a Highway Board at any Meeting thereof, the Majority of the Persons assembled at which shall be entitled to act as Members of such Board, shall be deemed to vitiate or make void any Proceedings of such Board in which he may have taken part.

Power to Highway Boards to appoint Clerks.

XIV. Any Highway Board shall have Power by Writing, upon which no Stamp or other Duty shall be payable, to appoint a fit and competent Person to be Clerk to such Board, and shall also determine the Amount of Salary to be paid to the Clerk; and the Clerk, in Person, or by such Deputy as shall be elected by such Board, shall attend all Meetings of such Board, and shall conduct the Correspondence thereof, and enter and keep, in Books to be provided for the Purpose, Notes, Minutes, or Copies, as the Case may require, of the Meetings, Acts, Orders, Resolutions, Proceedings, and Correspondence of such Board, and shall keep all Books, Papers, and Documents committed to his Charge, and shall perform all such other Duties as the Board may direct.

Appointment of Treasurer.

XV. Any Highway Board shall, at their next General Annual Meeting after the passing of this Act, by Writing, upon which no Stamp or other Duty shall be payable, appoint a fit and competent Person to be Treasurer of such Board, and the said Board shall have Power to fix, and from Time to Time to alter as they see fit, the Salary, if any, to be paid to such Treasurer; and the Highway Board shall, before the aforesaid Treasurer shall enter upon his Office, take sufficient Security for the due Performance by him of the Duties of the Office; and the Treasurer of each Highway Board shall receive and hold to the Account of such Board all Moneys paid to or for the Use of such Board, and shall make Payments thereout under Orders of such Board, and shall once in every Three Months, or on such Days as the Board may direct, or oftener if required by the

the Board, make up an Account of all Moneys received and paid by him, and deliver the same to the Clerk of the Board; and he shall keep separate and distinct Accounts for each Parish within his District, and such Accounts shall specify the different Sums, and the Persons to whom and by whom the same shall have been paid.

Salaries of Clerk and Treasurer, how to be paid.

XVI. The Salaries to be paid to the Clerk and Treasurer of each District shall, by an Order to be made by the Highway Board of such District, be paid out of the Moneys levied for the Repair and Maintenance of the Highways, and shall be apportioned and charged upon the Parishes within each respective District in the same Manner and in the same Proportion as the County Rate shall be chargeable at the Time such Order is made.

Power to dismiss Clerk, &c.

XVII. The Highway Board may at any Time dismiss any Clerk or Treasurer so appointed, and as often as the said Offices shall become vacant by such Dismissal, or by Death, Resignation, or otherwise, the said Highway Board shall at their next regular Meeting, or as soon after as conveniently may be, appoint some other fit and proper Person to fill the same.

Two Offices not to be held by the same Person.

XVIII. The Offices of Treasurer, Clerk, and Surveyor of any Highway Board, or any Two of such Offices, shall not be held by the same Person, or by Persons in Partnership with each other, or by Persons in the Relation of Employer and Clerk, Agent, or Servant, one of the other, or of the Partner of either of them; and if any Person shall accept or hold either the Office of Treasurer, Clerk, or Surveyor contrary to this Provision he shall forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, in any Court of competent Jurisdiction.

Highway Boards to have the Management of the Highways.

XIX. The Highway Board for each District shall, subject to the Provisions and Exceptions in this Act, have the Management of the several Highways lying within their District, and of the repairing and maintaining of the same, and shall direct the Execution of any Works which may from Time to Time be necessary for such Purposes; but it shall not be lawful for any Person, being a Member of any Highway Board, to hold any Place, Office, or Appointment of Emolument, or to be a Contractor directly or indirectly, or to be concerned or engaged in any Contract for making or repairing, or in any way relating to the Road or Roads in the District for which such Person shall act.

XX. The

Highway Board may contract to repair Highways within Districts of Local Boards, &c.

XX. The Highway Board of any District may contract with all or any of the following Bodies; (that is to say,) any Local Board of Health constituted under "The Public Health Act, 1848," any Local Board constituted under "The Local Government Act, 1858," any Commissioners or other Body acting under any Local Act of Parliament, the County Roads Board, the Court of Quarter Sessions of the County in which the District is situate, and the Council of any Borough for the Repair and Maintenance by such Highway Board of all or any of the Highways or Turnpike Roads under the Care of such Local Board of Health, Local Board, County Roads Board, Commissioners, or other Body, (as the Case may be,) or of the Highways over and at the Ends of Bridges which are maintainable at the Expense of the County or of any Borough, or any other Highways which are maintainable at the Expense of the Borough; and such Highway Board may contract as aforesaid, upon such Terms as to the Payments to be from Time to Time made to such Board in respect of their undertaking such Repairs and Maintenance, and as to the Duration and Determination of the Contract, as may be agreed upon between the Parties; and any such Local Board of Health, Local Board, Commissioners, County Roads Board, or other Body, Court of Quarter Sessions, and Council may contract as aforesaid with such Highway Board; and while any Contract made under this Provision is in force the Highway Board and their Surveyor shall, in respect of the Repairs and Maintenance of the Highways and Roads to which such Contract relates, have and perform the same Powers and Duties and be subject to the same Responsibilities as with regard to Highways within the District of such Board, and the other contracting Party shall be divested of all Powers, Duties, and Responsibilities in respect of such Repairs and Maintenance, and all Money payable under such Contract shall be paid out of the Moneys which would have been applicable to defray the Expenses of the Repair and Maintenance of such Highways or Turnpike Roads if such Contract had not been made.

Expenses of Highway Board, how to be defrayed.

XXI. Every Highway Board, for defraying the Repairs, Expenses, and apportioned Part of Expenses chargeable as aforesaid on each Parish within their District, shall from Time to Time, by Order under their Seal, require the Overseers of such Parish to levy, and to pay over to the Treasurer of such Board, or into any Bank in such Order mentioned, and within the Time or Times thereby limited, the Sum which, after giving due Credit to such Parish for all Penalties and other Moneys received in respect thereof, such Board may require for the Purpose aforesaid (and any such Order may be made wholly or in part in respect of Expenses incurred at any Time within Six Months before

before the making of the Order, or of Expenses to be thereafter incurred); and where any Parish within the Meaning of this Act is Part only of any Parish for which Overseers are appointed, the Highway Board shall specify in their Order the Part of such last-mentioned Parish on which any Sum required by such Board is to be levied.

Overseers to levy Rates for raising the Money required by Highway Board.

XXII. The Overseers of the Poor of the Parishes to whom such Orders as aforesaid are issued shall levy the Amounts mentioned therein according to the Exigency thereof, and shall for that Purpose make separate equal Pound Rates upon their Parishes, or the Parts thereof respectively upon which the Sums specified in such Orders are required to be levied, in respect of the Sums thereby ordered to be levied, and shall make such Rates of such Amount in the Pound on the annual Value of the Property rateable as will in their Judgment, having regard to all Circumstances, be sufficient to raise the Sums specified in such Orders; and such Rates shall be levied on the Persons and in respect of the Property by Law rateable to the Relief of the Poor in the respective Parishes, and shall be assessed upon the net annual Value of such Property, ascertained by the Rate for the Time being for the Relief of the Poor, provided that the Rate shall also extend to such Woods, Mines, and Quarries of Stone, or other Hereditaments, as were before the said Act of the Fifth and Sixth Years of King *William* the Fourth usually rated to the Highways; and the said Overseers shall, for the Purpose of levying such Rates, proceed in the same Manner, and have the same Powers, Remedies, and Privileges, as for levying Money for the Relief of the Poor, and all such Rates shall be allowed in the same Manner, and be subject to all the same Provisions in relation to Appeal and to excusing Persons from Payment on account of Poverty, and otherwise, as the Rate for the Relief of the Poor in the same Parish; and such Overseers shall pay to the Treasurer of the Highway Board, or otherwise as in such Orders directed, the Sums mentioned in the Orders within the Time or respective Times specified for that Purpose, and the Excess, if any, which may have been levied beyond such Sums shall be placed to the Credit of the Parish or Part in which the same has been levied; and the said Overseers shall, at the Time of making any such Payment, deliver with the Money a Note in Writing signed by them specifying the Amount so paid, which Note shall be kept as a Voucher for the Receipt of that particular Amount; and the Receipt of the Treasurer of the Board, or of any proper Officer or Person of or belonging to any Bank into which such Money is so paid, specifying the Amount paid to him by the Overseers, shall be a sufficient Discharge to the Overseers for such Amount.

Power to Highway Board to direct paid Collectors of Poor Rate to collect Highway Rate.

XXIII. In every Parish in which a paid Collector of Poor Rates shall have been or may hereafter be duly and legally appointed, every such Collector shall, if the Highway Board so direct and authorize him, collect the Highway Rate for every such Parish, and the Highway Board shall determine the Salary or additional Salary to be paid to every such Collector, and every such Collector shall have all the same Powers, Remedies, and Privileges for the levying and enforcing the Payment of such Rates as the Overseers of the Poor have under this Act; and it shall be lawful for every Highway Board, and they are hereby required, to take Security from every Collector authorized to collect the Highway Rate under this Act, which Security shall be to the full Amount of the Sum likely to be in the Hands of the said Collector at any One Time.

Restriction in Amount of Rates.

XXIV. Provided always, That the Rate or Rates to be levied for defraying any Expenses under this Act shall not exceed in any One Year the Amount in the Pound of the rateable Value of the Property rateable thereto under this Act now by Law limited in respect of the Highway Rate.

Overseers on Nonpayment of the Rate shall be distrained upon.

XXV. In case the Amount ordered by any such Order as aforesaid to be paid by the Overseers of any Parish be not paid in manner directed by such Order and within the Time or Times therein specified for that Purpose, it shall be lawful for any Two Justices of the Peace, upon the Complaint by the Board or by any Person authorized by them for this Purpose, to issue their Warrant for levying the Amount, or so much thereof as may be in arrear, by Distress and Sale of the Goods of all or any of the said Overseers, and in case the Goods of all the Overseers be not sufficient to pay the same the Arrears thereof shall be added to the Amount of the next Levy which shall be directed to be made in such Parish for the Purposes of this Act, and shall be collected by the like Methods.

Special Persons may be appointed to levy Rates on Default of Overseers.

XXVI. Any Highway Board may, in case of any Default or Neglect of any Overseers to pay the Amount required by any such Order as aforesaid, within the Time or Times and in the Manner directed by such Order, appoint Persons to levy any Money required by such Board for the Purposes of this Act in any Parish, and such Persons shall proceed in the same Manner, and have the same Powers, Remedies, and Privileges, and be subject to the same Regulations and Penalties with reference to the levying of such Money, as any Overseers would have had or been subject to with reference to levying any such Money in pursuance of an Order of the Highway Board.

XXVII. The

XXVII. The Accounts of every Highway Board shall be made up and balanced on the Twenty-fifth Day of *March* in every Year, and shall be audited by such Board, and signed by the Chairman; and such Board shall cause a Statement to be printed and published in One or more Newspapers circulated in their County within Thirty Days after the said Twenty-fifth Day of *March*, showing the Receipt and Expenditure in respect of each Parish, and the apportioned Part of Expenditure chargeable thereto in respect of the District Fund, and such other Particulars, and in such Form, as the Secretary of State may direct, as herein-after mentioned.

Accounts to be made up to 25th March, and Statement to be published.

XXVIII. The Clerk to every Highway Board shall, within such Thirty Days, transmit such Statement to One of Her Majesty's Principal Secretaries of State; and any such Clerk who shall not within the Time aforesaid transmit the said Statement to the said Secretary of State shall for every such Offence, upon a summary Conviction for the same before Two Justices of the Peace, be liable to a Penalty of Ten Pounds.

Statement to be sent to Secretary of State.

Penalty for Neglect.

XXIX. The Secretary of State shall cause the Statements so transmitted to be abstracted, and the Abstracts thereof to be laid before both Houses of Parliament, with the other Statements in relation to Highways required to be abstracted and laid before Parliament by the Act of the Session holden in the Twelfth and Thirteenth Years of Her Majesty, Chapter Thirty-five.

Abstract of Statements to be laid before Parliament.

XXX. It shall be lawful for One of Her Majesty's Principal Secretaries of State to cause to be prepared such Forms for such Statement as he may from Time to Time deem suitable, and also from Time to Time to alter the Forms for the annual Statement prescribed by the said Act of the Twelfth and Thirteenth Years of Her Majesty, but no Statement shall be transmitted under that Act concerning Parishes wholly within a Highway District under this Act.

Secretary of State may cause Form of Statement to be prepared, and alter Forms prescribed by 12 & 13 Vict. c. 35.

XXXI. The Council of every Borough having a separate Commission of the Peace may, by a Resolution of such Council at a Meeting held for the Purpose, in any Year after the Expiration of the Time limited by Law for the Election of Surveyors of Highways for that Year, or Forty Days at the least before the Commencement of the Time limited for such Election, assume the Powers of a Highway Board under this Act; but no such Resolution shall be valid unless a Month's previous Notice of the Meeting and of the Purpose thereof has been given in the Manner in which Notices of Meetings of the Council are by Law required to be given, and Two Thirds of the Members present at the Meeting concur in such Resolution; and the Chairman

Councils of Boroughs having Commissions of the Peace may by Resolution assume the Powers of Highway Boards.

Chairman of any such Meeting may, with the Consent of a Majority of the Members present, adjourn the same from Day to Day; and Notice of such Resolution shall be certified under the Seal of the Corporation of such Borough to the Clerk of the Peace of the County, or (if such Borough be situate in more than One County) of each County in which the Borough is wholly or in part situate.

Where Resolution passed, Council to have Powers of Highway Board.

XXXII. Any such Council which may have assumed the Powers of a Highway Board, by Resolution passed and certified as aforesaid, shall, with respect to Parishes and Parts of Parishes within such Borough, have and be subject to the Powers and Obligations vested in or imposed on a Highway Board constituted under this Act with respect to Parishes forming the District of such Board, save that such Powers shall not extend to authorize the Appointment of a separate Clerk or Treasurer for the Purposes of this Act; and the Provisions of this Act applicable in the Case of Highway Districts formed thereunder, to the Highway Board thereof, and their Clerk, Treasurer, and Surveyor, shall, in the Case of such Borough, be respectively applicable to the Council and to the Town Clerk and Treasurer thereof, and to the Surveyor of Highways to be appointed by such Council, as if such Borough were a Highway District constituted under this Act, and such Council were the Highway Board thereof; and all Acts to be done by such Council by virtue of the Powers conferred by this Act shall be done in like Manner as if done by virtue of the said Act "for the Regulation of Municipal Corporations in *England* "and *Wales*;" and any such Council may, if they think fit, appoint a Committee for the Purposes of this Act, in like Manner as for any of the Purposes of such last-mentioned Act, the Acts of such Committee to be submitted as therein provided to the Council, for their Approval; provided nevertheless that the Expenses incurred in the Execution of this Act by the Council of any Borough or any Committee of such Council shall be defrayed in manner provided with respect to Expenses of Highway Boards: Provided always, that the Powers of the Council of a Borough under this Enactment shall not extend, nor shall its District as a Highway Board be deemed to include any Parish or District under any Board mentioned in the First Section of this Act.

5 & 6 W. 4. c. 76.

No Parochial Surveyor to be appointed after the passing of this Act.

XXXIII. From and after the passing of this Act no Parochial Surveyor shall be elected or appointed in *South Wales* under the said Act of the Fifth and Sixth Years of King *William* the Fourth, Chapter Fifty, for any Parish comprised in such District: Provided always, that any Surveyor whose Powers are so to cease as aforesaid shall recover any Highway Rate made by him before the Cesser of his Powers, and remaining unpaid, in the same Manner as if his

his Power in other respects had not ceased, and the Money so recovered shall be paid by him to the Treasurer of the Highway Board of the District in which such Parish is comprised under this Act; and in case such Surveyor die or become incapable to act before all Arrears of any such Rate are recovered, the same may be recovered by the Overseers of the Poor, who shall have the like Power for that Purpose as such Surveyor would have had, and shall pay the same to such Treasurer as aforesaid.

Accounts of existing Surveyors to be passed according to present Law, and Money and Effects to be paid and delivered to their Successors appointed under this Act.

XXXIV. The Accounts of every such Surveyor whose Powers shall so determine shall be passed within the like Periods respectively after such Determination, and in like Manner, and under and subject to the like Provisions in all respects, as if this Act had not been passed, save that it shall not be necessary that such Accounts be passed at a Special Sessions for the Highways, but the same may be passed at a Petty Sessions; and the Provisions of the said Act of the Fifth and Sixth Years of King *William* the Fourth, Chapter Fifty, concerning Payment and Delivery by a Surveyor leaving Office, and by the Executors and Administrators of a deceased Surveyor, of Money due from him, and Books, Accounts, Papers, Writings, Tools, Materials, Implements, and other Things, to his Successor in Office, and all the Provisions of such Act applicable in default of such Payment and Delivery, according to the Provisions of the said Act, shall be and remain applicable in relation to all Moneys, Books, Accounts, Papers, Writings, Tools, Materials, Implements, and other Things which if this Act had not been passed ought to have been paid and delivered to the Successor, under the said Act of King *William* the Fourth, of such Surveyor as if the Highway Board of the District in which the Parish or Parishes is or are comprised for which such Surveyor was appointed were the Successor in Office of such Surveyor, and had been appointed under the said Act of King *William* the Fourth.

Surveyor of Highway Board exempted from Turnpike Tolls.

XXXV. No Toll shall be demanded by virtue of any Act of Parliament on any Turnpike Road in any Highway District constituted under this Act from the Surveyor of the Highway Board of such District when executing or proceeding to execute his Duties as such Surveyor, and all Provisions applicable to the Exemptions in the Act of the Third Year of King *George* the Fourth, Chapter One hundred and twenty-six, shall apply to and in the Case of the Exemptions conferred by this Enactment.

Power to Highway Board to order their Surveyor to

XXXVI. Where any Highway which any Body Politic or Corporate or Person is liable to repair by reason of Tenure of any Land, or otherwise howsoever, is out of Repair, the Highway Board of the

 District

repair certain Roads, and charge the Parties liable for the same.

District in which such Highway is situate may, if they see fit, direct their Surveyor to repair the same, and the Expenses to be incurred in such Repair shall be paid by the Party liable to repair as aforesaid; and it shall be lawful for any Justice, upon the Application of any Person authorized in this Behalf by the Highway Board, to summon the Party liable to pay such Expenses to appear before Two Justices at a Time and Place to be named in such Summons, and upon the Appearance of the Parties, or in the Absence of either of them, it shall be lawful for such Justices to hear and determine the Matter, and make such Order, as well as to Costs or otherwise, as to them may seem just.

Power to Justices to order certain Highways to be made Highways to be repaired, &c. by the Parishes.

XXXVII. Where any Person or Corporation is liable, by reason of Tenure of Lands or otherwise, to repair any Highway situate in a Highway District, the Person or Corporation so liable, or the Surveyor of Highways of the District, may apply to any Justice of the Peace for the Purpose of making such Highway a Highway to be repaired and maintained by the Parish in which the same is situate; and such Justice shall thereupon issue his Summons requiring such Surveyor or the Party so liable to repair such Highway as aforesaid, to appear before Two or more Justices in Petty Sessions assembled, and the Justices at such Petty Sessions shall proceed to examine and determine the Matter, and shall, if they think fit, make an Order under their Hands that such Highway shall thereafter be a Highway to be thereafter repaired and maintained by the Parish, and shall in such Order fix the Proportion of the Expenses of repairing and maintaining such Highway to be annually paid by such Person or Corporation to the Treasurer of the Highway Board of the District in which such Highway is situate, and such Order shall be binding upon all Persons and Parties whatsoever: Provided nevertheless, that such Justices, instead of fixing the Proportion of the Expenses of repairing such Highway to be annually paid as aforesaid, may, by an Order under their Hands, fix a certain Sum to be paid by such Person or Corporation to the Treasurer of such Board, in full Discharge of all Claims thereafter in respect of the Repair and Maintenance of such Highway; and in default of Payment of such last-mentioned Sum, or of such annual Sum as aforesaid, the Clerk of such Board may proceed for the Recovery thereof in the same Manner as any Penalties or Forfeitures are recoverable under the said Act of the Fifth and Sixth Years of King *William* the Fourth, Chapter Fifty: Provided always, that when the Sum so fixed to be paid in full Discharge of all Claims thereafter in respect of the Repair and Maintenance of such Highway exceeds One hundred Pounds, the same, when received, shall be invested in the Name of the Highway Board of the District in some Public Government Securities, and the Interest and Dividends arising therefrom

therefrom shall be applied by such Board towards the Repair and Maintenance of the Highways within the Parish in which such Highway is situate; but when such Sum does not exceed One hundred Pounds, the same, or any Part thereof, at the Discretion of such Highway Board, shall from Time to Time be applied by such Board towards the Repair and Maintenance of the Highways within such Parish; and from and after the making of such Order such Highway shall be repaired in like Manner and at the like Expense as other Highways which such Parish is liable to repair.

Provisions for Discontinuance of Maintenance of unnecessary Highways.

XXXVIII. When any Highway Board consider any Highway within their District unnecessary for public Use, they may direct their Surveyor to apply to Two Justices to view the same, and shall authorize him to pay all Expenses attending such View (which Expenses and other the Expenses of the Surveyor consequent upon such Application shall be Expenses chargeable under this Act on the Parish in which the Highway in question is situate), and thereupon the like Proceedings shall be had as in the Case where Application is made under the said Act of the Fifth and Sixth Years of King *William* the Fourth, Chapter Fifty, to procure the stopping up of any Highway, save only that the Order to be made thereupon, instead of directing the Highway to be stopped up, shall direct that the same shall cease to be a Highway which the Parish is liable to repair, and the Liability of the Parish shall cease accordingly; and for the Purpose of such Proceedings under this Enactment, such Variation shall be made in any Notice, Certificate, or other Matter preliminary to the making of such Order as the Nature of the Case may require: Provided always, that if at any Time thereafter, upon Application of any Person interested in the Maintenance of such Highway, after One Month's previous Notice in Writing thereof to the Clerk of the Highway Board for the District in which such Highway is situated, it appear to any Court of General or Quarter Sessions of the Peace that, from any Change of Circumstances since the Time of the making of any such Order as aforesaid under which the Liability of the Parish to repair such Highway has ceased, the same has become of public Use, and ought to be kept in repair by the Parish, they may direct that the Liability of the Parish to repair the same shall revive from and after such Day as they may name in their Order, and such Liability shall revive accordingly, as if the first-mentioned Order had not been made; and the said Court may by their Order direct the Expenses of and incident to such Application to be paid as they may see fit.

Regulations as to the Adoption of new Roads to be main-

XXXIX. And with respect to the Adoption of new Roads to be maintained as public Roads under this Act, be it enacted, That no Road or Occupation Way made or hereafter to be made by or at the Expense

tained as public Roads under this Act.

Expense of any Individual or private Person, Body Politic or Corporate, shall be deemed or taken to be a public Road, to be repaired and maintained according to the Provisions of this Act, unless the Person, Body Politic or Corporate, proposing to dedicate such Road to the Use of the Public, shall give Three Calendar Months previous Notice in Writing to the District Surveyor of the District of his Intention to dedicate such Road to the Use of the Public, describing its Situation and Extent; and the said District Surveyor, upon receiving such Notice, shall view the same, and shall report to the Highways Board of the District whether such Road is well and properly laid out and made, and whether the same is of sufficient public Utility to justify its being kept in repair and maintained as One of the Highways of such District; and if the said Board shall be satisfied, upon such Report or otherwise, that the said Road ought to be so kept in repair and maintained, they shall certify in Writing accordingly; and such Certificate, signed by the Chairman of the Highway Board for the Time being, shall be transmitted by him to the County Roads Board of such County; and thereupon, after the said Road shall have been used by the Public, and duly repaired and kept in repair by the said Person, Body Politic or Corporate, for the Space of Twelve Calendar Months, the same shall thenceforth become One of the Highways of such County, and shall thereafter be repaired and maintained according to the Provisions of this Act.

Proceedings in case Highways are not kept in repair.

XL. From and after the passing of this Act, if any Highway is out of repair, or is not well and sufficiently repaired and amended, an Information thereof on the Oath of One credible Witness is given to any Justice of the Peace, it shall and may be lawful for such Justice and he is hereby authorized and required to issue a Summons requiring the Surveyor of the District in which such Highway is situated, or other Person or Body Politic or Corporate chargeable with such Repairs, to appear before the Justices at some Petty Sessions in the said Summons mentioned to be held within the Division in which the said Highway may be situate, and the said Justices shall either appoint some competent Person to view the same, and report thereon to the Justices in Petty Sessions assembled on a certain Day and Place then and there to be fixed, at which the said District Surveyor or other Party as aforesaid shall be directed to attend, or the said Justices shall fix a Day whereon they or any Two of them shall attend to view the said Highway; and if to the Justices at such Petty Sessions, on the Day and at the Place so fixed as aforesaid, it shall appear, either on the Report of the Person so appointed by them to view, or on the View of the said Justices, that the said Highway is not in a State of thorough and effectual Repair, they the said Justices at such last-mentioned Petty Sessions

Power to Justices to order Highways to be repaired at the Expense of the Parties liable.

Sessions shall make an Order requiring the said District Surveyor to repair the said Highway within a Time limited therein, and shall make an Order requiring the Overseers of the Poor, or other Party or Body Politic or Corporate liable to the Repair of the said Highway, to pay to the Treasurer, at such Time or Times as they shall direct, either in One Sum or by Instalments, a Sum of Money to be therein stated, which shall be equal in Amount to the Sum which the said Justices shall on the Evidence produced before them judge requisite for the repairing such Highway; and in default of such Money being paid within the Time so limited, it shall be lawful for any Two Justices of the Peace to issue their Warrant for levying the Amount of Money, or so much thereof as may not be paid within the Time limited, by Distress and Sale of the Goods of the said Overseers of the Poor, and such Money, when recovered, shall be applied to the Repair of such Highway; and in case more Parties than One are bound to repair any such Highway, the said Justices shall direct in their Order what Proportion shall be paid by each of the said Parties: Provided nevertheless, that the said Justices shall not have Power to make such Orders as aforesaid in any Case where the Duty or Obligation of repairing the said Highway comes in question.

If Money not paid the same to be levied by Distress.

XLI. All Roads hereafter ceasing to be Turnpike Roads shall on their so ceasing be repaired and maintained by the Surveyor or Board, or other Body liable to maintain the same, to the same Width as they are or were required to be while Turnpike Roads; and all Roads heretofore Turnpike Roads, which have already ceased to be so, shall be repaired and maintained by such Surveyor, Board or other Body, to the present Width of such Roads, and after the passing of this Act, as regards any Road which has ceased or which may cease to be a Turnpike Road, the Erection or making of any Building, Hedge, Ditch, or other Fence, or the doing of any other Act which would have been deemed an Encroachment on any such Road if the same had continued to be a Turnpike Road, shall be deemed an Encroachment on a Highway, within Section Sixty-nine of the said Act of the Fifth and Sixth Years of King *William* the Fourth, although the same may be beyond the Distance from the Centre of the Carriageway mentioned in the said Section.

Width of Roads to be maintained when they cease to be Turnpike Roads.

XLII. It shall not be requisite for the Justices of the Peace to hold Special Sessions for executing the Purposes of the said Act of the Fifth and Sixth of King *William* the Fourth, Chapter Fifty; but all Acts and Matters which might have been done at such Special Sessions under the said Act or this Act, or under any other Act of Parliament, may be done by Two or more Justices at any Petty Sessions.

Acts required to be done at Special Sessions for Highways may be done at Petty Sessions.

Provisions of 5 & 6 W. 4. c. 50. to remain in force, except as otherwise provided.

XLIII. Except as herein otherwise provided, all the Provisions of the said Act of the Fifth and Sixth Years of King *William* the Fourth, Chapter Fifty, shall remain in force and be applicable as well to the Highways to be managed under this Act as to the Highways which may continue to be managed under that Act, and the said Act and this Act shall be construed together as One Act.

Act to extend only to South Wales.

XLIV. This Act shall extend only to *South Wales*, and in the Construction of this Act, "*South Wales*" shall include and comprise the Six Counties following, and no others, viz., the Counties of *Glamorgan*, *Brecknock*, *Radnor*, *Carmarthen*, *Pembroke*, and *Cardigan*.

Interpretation of Terms.

XLV. In the Construction of this Act, unless there be something in the Subject or Context repugnant to such Construction, the Word "Parish" shall mean any Parish, Place, or District maintaining its own Highways, or which, if this Act and the said Act of the Fourteenth and Fifteenth Years of Her Majesty had not been passed, would have maintained its own Highways, and where Part only of any such Parish, Place, or District is comprised in a Highway District constituted under this Act shall mean such Part; the Word "Borough" shall mean a Borough according to the Meaning of the Act of the Session holden in the Fifth and Sixth Years of King *William* the Fourth, "for the Regulation of Municipal Corporations in *England* "and *Wales*," or any Corporate Place which since the passing of that Act has become subject to the Provisions thereof; and the Word "County" shall mean any County, Riding, Division, or Liberty having a separate Court of Quarter Sessions of the Peace.

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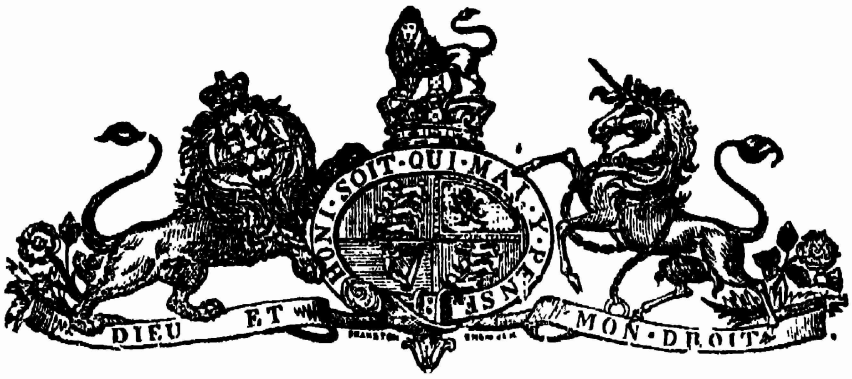

ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

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Manchester Cathedral Church.

Authorizing the Appropriation of certain Funds to the Restoration or Repair of Cathedral Church at Manchester.

I. The Ecclesiastical Commissioners may and they are hereby authorized and empowered to expend or to authorize the said Dean and Canons of *Manchester* to expend in the necessary Restoration or Repair of the said Part or Parts of the said Cathedral or Collegiate Church so much of the Monies paid to them under the Provisions of the said Act prior to the First Day of *January* One thousand eight hundred and sixty as to them may seem fit.

Except as hereby authorized the said Cathedral Church to be maintained as by the said Act prescribed, &c.

II. Provided always, That, except so far as is hereby authorized, the said Part or Parts of the said Cathedral or Collegiate Church shall be maintained and kept in repair as by the said Act prescribed; provided also, that nothing herein contained shall affect or alter the Application as prescribed in the said Act of the Monies hereafter to be paid to the Commissioners by the said Dean and Canons.

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whereas it is expedient that the said Provisional Orders should be confirmed and made absolute: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Provisional Orders confirmed.

I. The said Provisional Orders are hereby confirmed and made absolute, and shall be as binding and of the like Force and Effect as if the Provisions thereof had been expressly enacted by Parliament.

SCHE-

SCHEDULE.

Date of Provisional Order.	TITLE OF LOCAL ACT.	Amount of Principal Debt.	Interest to be reduced to the following Rates per Annum.	Arrears of Interest to be extinguished to the following Dates.
		£ s. d.		
1859. 11 Nov.	3 Geo. 4. c. 50., "An Act for more "effectually repairing the Road from "the North End of a Lane called "Rosemary Lane in the Township of "Broughton to the Town of Mold in "the County of Flint, and for diverting "a Part of the said Road, and for "making a new Branch of Road to com-"municate with the said Road."	2,044 0 0	4*l.* per Cent.	31 Dec. 1859.
1860. 4 April.	54 Geo. 4. c. 4., "An Act for enlarging "the Term and Powers of Two Acts of "His present Majesty, for repairing the "Road from the West End of Saint "Ives Lane in the Town of Saint Neots "in the County of Huntingdon to the "Pavement at the End of Bell Lane in "the Town of Cambridge."	3,778 9 0	3*l.* per Cent.	24 June 1859.

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were or at any Time thereafter should be transferable at the Bank of *England*: And whereas it is expedient that the Provisions of the said Acts should be extended to the Stocks, Funds, and Annuities transferable at the Bank of *Ireland* and the Dividends thereon: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Provisions as to unclaimed Stock and Dividends to extend to Stock transferable at the Bank of Ireland.

I. All the Provisions of the said recited Acts of the Fifty-sixth Year of King *George* the Third and the Eighth and Ninth Years of Her Majesty shall henceforth extend and apply to all Stocks, Funds, and Annuities constituting any Part of the National Debt, and transferable at the Bank of *Ireland*, and to the Dividends thereon, and to the Governor and Company of the Bank of *Ireland* and their Officers, and to the Court of Chancery in *Ireland*, in like Manner as if the said Provisions were here repeated and re-enacted, and the "Bank of *Ireland*" were therein substituted and referred to where in the said Acts respectively the "Bank of *England*" is mentioned or referred to, and "the Court of Chancery in *Ireland*" were therein substituted and referred to where in the said Acts "the High Court of Chancery" is mentioned or referred to.

Notice by Advertisements in Ireland before Re-transfer or Payment of Dividend.

II. Provided, That where under the said Act of the Eighth and Ninth Years of Her Majesty Notice is to be given by Advertisements in One or more Newspapers circulating in *London* and elsewhere, the Governor and Company of the Bank of *Ireland* shall, in respect of the like Re-transfer of Stock or Annuities or Payment of Dividends under this Act require the Notice to be given by such Advertisements as aforesaid, and also by Advertisements in One or more Newspapers circulating in *Dublin* and elsewhere in *Ireland*.

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"Benefice" shall mean and include Rectory, Vicarage, Perpetual Curacy, District Parochial Church, or Chapel of Ease, and Grange:

"Incumbent" shall mean Rector, Vicar, or Perpetual Curate.

When Benefice is of less Value than 50*l.*, an Endowment of not less than 75*l.* may be made, &c.

III. Any Person or Persons, Body Politic or Corporate, being under no legal Disability or Incapacity, may, without any Licence of Alienation or in Mortmain, by and with the Consent of the Ecclesiastical Person or Corporation seised of the Right of Presentation thereof, and of the Bishop of the Diocese, by Deed endow any Benefice, having no Provision or Endowment thereunto belonging of the yearly Value of Fifty Pounds, the Advowson or Right of Presentation whereof shall belong to any Ecclesiastical Person, with any Lands, Tithes, Tenements, or Hereditaments of the yearly Value of not less than Seventy-five Pounds, or with Money in the Government Funds producing at the Time of the Endowment a yearly Income of not less than Seventy-five Pounds, to be invested in the Name of the Bishop of the Diocese and the Incumbent of the Benefice aforesaid, as a perpetual Provision for the Incumbent of the said Benefice and his Successors for ever; and thereupon the Ecclesiastical Person seised of the Advowson, Right of Patronage, Nomination, or Presentation of such Benefice may, with the Consent of the Bishop of the Diocese, assign the same by Deed to be entered in the Registry of the Diocese and enrolled in the Rolls Office of the High Court of Chancery in *Ireland*, to Trustees, who shall not be less than Four nor more than Six in Number, to be for that Purpose nominated and appointed in the first instance by the Person or Persons, Body Politic or Corporate, endowing or augmenting such Benefice; and from and after such Endowment and Conveyance, registered and enrolled as aforesaid, the Trustees so nominated and appointed, and their Successors, shall be, together with the Bishop of the Diocese for the Time being, the only Patrons of such endowed or augmented Benefice; and the Vacancies which shall from Time to Time occur in the Number of such nominated Trustees by Death, Resignation, Disqualification, or Inability to act shall be filled up in such Manner as by the said Deed of Endowment shall be provided, and in default of any such Provision, in such Manner as the Bishop of the Diocese shall under his Hand and Seal direct and appoint; and if it shall happen that all such Trustees for the Time being shall die without having (in pursuance of any such Power in the said Deed of Endowment contained) appointed their Successors, then the Minister for the Time being of such Benefice, with the Consent of the Bishop of the Diocese, may appoint the Number of Trustees required by the Deed of Endowment, and in case there shall be no such Minister, the Bishop of the Diocese may nominate and appoint

Patronage of such Benefice to be vested in Trustees.

appoint the requisite Number of Trustees: Provided that no Person shall be qualified to be nominated to or to act in the Office of a Trustee unless he be a Member of the United Church of *England* and *Ireland*.

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CAP. LXXIII.

An Act to continue certain Turnpike Acts in *Great Britain*, and to extend the Provisions of the Act of the Fourteenth and Fifteenth Years of Her present Majesty, Chapter Thirty-eight.

[6th *August* 1860.]

WHEREAS it is expedient to continue for limited Times the Acts herein-after specified: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows;

All Turnpike Acts expiring before the End of the next Session continued to 1st Oct. 1861 except 54 G. 3. c. lix. 4 G. 4. c. xlviii.

I. Every Act now in force for regulating, making, amending, or repairing any Turnpike Road in *Great Britain* which will expire on or before the End of the next Session of Parliament shall be continued until the First Day of *October* One thousand eight hundred and sixty-one and to the End of the then next Session of Parliament, except an Act of the Fifty-fourth Year of King *George* the Third, Chapter Fifty-nine, "for continuing and amending Two Acts of His "present Majesty, for repairing the Road from the Guide-Post at the "West End of the Town of *Hampton*, over *Sunbury Common*, to "the Town of *Staines*, in the County of *Middlesex*;" and an Act of the Fourth Year of King *George* the Fourth, Chapter Forty-eight, "for more effectually repairing, widening, and improving the Roads

" from the West End of *Toller Lane*, near *Bradford*, through *Haworth*, " to *Blue Bell* near *Colne*, and from the *Two Laws* to *Kighley*, in " the Counties of *York* and *Lancaster*;" and except as herein-after mentioned.

Acts in Schedule continued till 1st Nov. 1861.

II. The Acts mentioned in the Schedule to this Act annexed shall continue in force until the First Day of *November* One thousand eight hundred and sixty-one, and no longer, unless Parliament shall in the meantime continue the same respectively.

III. And whereas the Provisions of an Act of the Session holden in the Fourteenth and Fifteenth Years of Her Majesty, Chapter Thirty-eight, for facilitating the Arrangements therein mentioned with the Creditors of Turnpike Trusts, are confined to the Cases " where the Revenues of any Turnpike Road in *England*, applicable " to the Payment of the Interest upon the Principal Money for the " Time being charged or secured on the Tolls or Revenues of such " Road are insufficient for the Payment in full of such Interest," and it is expedient that such Provisions should be extended to other Cases as respects the Turnpike Roads herein-after mentioned:

Provisions of 14 & 15 Vict. c. 38. extended to Cases herein named.

So much of the said Act as confines the Operation thereof to the Case where the Revenues of a Turnpike Road are insufficient for the Payment in full of such Interest as aforesaid shall, so far only as relates to any Turnpike Road in *England* the Act in relation to which is continued by this Act, be repealed; and in the Case of any such Turnpike Road the Provisions of the said Act of the Fourteenth and Fifteenth Years of Her Majesty shall be applicable (although the Revenues of such Turnpike Road be not insufficient for such Payment as aforesaid).

Short Title.

IV. In citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use the Expression "The Annual Turnpike Acts Continuance Act, 1860."

SCHE-

SCHEDULE.

An Act for enlarging the Term and Powers of an Act of His present Majesty, for repairing the Roads leading from the Parishes of Yoxford, Saxmundham, and Benhall, in the County of Suffolk, to the Town of Aldeburgh, in the said County. 53 G. 3. c. xxiv.

An Act for continuing and amending an Act of His present Majesty, for repairing several Roads leading from Shenfield to Harwich and Rochford, and other Places in the County of Essex, and for extending the said Act to the Road from Great Hallingbury to Hockerill in the County of Hertford. 55 G. 3. c. xc.

An Act for enlarging the Term and Powers of an Act of His present Majesty, for repairing and widening the Road from Preston Candover to Basingstoke, and from thence to Alton in the County of Southampton. 56 G. 3. c. xiv.

An Act for repairing the Road from Shelton's Lane in Bury in the County of Huntingdon to a House formerly called The Spread Eagle in the Hamlet of Stratton in the Parish of Biggleswade in the County of Bedford. 59 G. 3. c. xxv.

An Act to enlarge the Term and Powers of Two Acts of His late Majesty for repairing and widening the Road from a Bridge over a Stream called Sudbrook near the City of Gloucester to the Nine Mile Stone on the Bristol Road near the Clay Pitts in the County of Gloucester, and for extending the Powers thereof to the Entrance of the City of Gloucester. 1 & 2 G. 4. c. vi.

An Act for repairing and improving the Road leading from Skipton in the County of York to Colne in the County of Lancaster. 4 G. 4. c. cx.

An Act for repairing the Road from Kingston-upon-Thames to Leatherhead in the County of Surrey. 6 G. 4. c. xlvi.

An Act for more effectually repairing and improving the Roads from Sheet Bridge to Portsmouth and from Petersfield to the Alton and Alresford Turnpike Road near Ropley in the County of Southampton, and for making and maintaining a new Branch of Road to communicate therewith. 6 G. 4. c. lxxxvii.

An Act for repairing, widening, improving, and maintaining in repair the Turnpike Roads from Leeds to Halifax, and the several Branches and Roads therein mentioned, in the West Riding of the County of York. 6 G. 4. c. cxlix.

An Act for repairing the Road leading from Ealand to the Town of Leeds in the West Riding of the County of York. 7 & 8 G. 4. c. lxix.

An Act for repairing, improving, and maintaining in repair the Road from Brandlesome Moss Gate in the Township of Elton to the Duke of York Public House in the Township of Blackburn, and a Branch Road therefrom, all in the County Palatine of Lancaster. 10 G. 4. c. iii.

An Act for repairing the Road from the Town of Biddenden to the Turnpike Road from Ashford to Feversham, at Boundgate, in the County of Kent. 10 G. 4. c. xxii.

An Act for more effectually repairing and improving the Road from Kipping's Cross in the County of Kent to Flimwell Vent in the County of Sussex, and certain other Roads therein described. 10 G. 4. c. xxvi.

An Act for more effectually repairing the Road from the Brick Kilns on East Malling Heath to Pembury Green, and from Brandbridges to the Four Wents 10 G. 4. c. lvi.

Wents near Matfield Green, and from the said Road into the Mereworth and Hadlow Road in the County of Kent.

10 G. 4. c. lix. An Act for more effectually repairing and otherwise improving certain Roads and Bridges in the Liberties of the Borough of Berwick-upon-Tweed, and Counties of Durham and Berwick, and improving the Entrance to the Town of Berwick.

10 G. 4. c. lxv. An Act for more effectually repairing the Roads from Alfreton to Higham and Tibshelf in the County of Derby.

10 G. 4. c. lxxvii. An Act for making and maintaining a Turnpike Road between the Town of Tarporley in the County Palatine of Chester and the Town of Whitchurch in the County of Salop.

10 G. 4. c. lxxxi. An Act for maintaining and repairing the Road from the River at Swathling through Botley to the Road at Sherril Heath in the County of Southampton.

10 G. 4. c. lxxxvii. An Act for making and maintaining a Road from Sheepscar, through Woodhouse Carr, to Meanwoodside in the Parish of Leeds, in the West Riding of the County of York.

10 G. 4. c. lxxxix. An Act for more effectually amending the Road from Oldham in the County of Lancaster to Ripponden in the County of York, and other Roads in the same Counties, and for making and maintaining a new Branch to communicate therewith.

10 G. 4. c. cxiii. An Act for continuing certain Powers to the Trustees of the Road leading from the Borough of Southwark to the Kent Road in the County of Surrey called Great Dover Street, for the Purposes therein mentioned.

2 & 3 Vict. c. xlvii. An Act for more effectually repairing and improving the Road from Edenfield Chapel to Little Bolton, and certain Branch Roads connected therewith, all in the County Palatine of Lancaster.

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Act annexed, have not considered it advisable to present a Petition for a separate Court of Quarter Sessions of the Peace or a Court of Record for the Trial of Civil Actions in such Boroughs, under the One hundred and sixty-third Section of the said Act, and no separate Court of Quarter Sessions of the Peace is holden in the said Boroughs, as is in and by the said recited Act in that Behalf provided, and the Councils thereof have not on that account been able to appoint Coroners for such Boroughs, which has been productive of public Inconvenience, and it is expedient that such Councils should have the Power of appointing Coroners for such Boroughs respectively: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Town Councils of certain Boroughs respectively may appoint a Coroner.

I. Notwithstanding that no separate Court of Quarter Sessions of the Peace is or shall be holden in any Borough named in Schedule "A." to the said recited Act annexed, as in the said recited Act provided, it shall be lawful to and for the respective Town Councils of every Borough named in the said Schedule, that is to say, the Boroughs of *Belfast*, *Clonmell*, *Cork*, *Drogheda*, *Dublin*, *Kilkenny*, *Limerick*, *Londonderry*, *Sligo*, and *Waterford*, to appoint a fit Person, not being an Alderman or Councillor of such Borough, to be Coroner of the said Borough so long as he shall well behave himself in his Office of Coroner, and to fill up every Vacancy in the Office of Coroner of the Borough occurring by Death, Resignation, or Removal within Ten Days next after such Vacancy, and from and after such Appointment none (save as herein-after mentioned) shall take any Inquisition which belongs to the Office of Coroner within such Borough, save only the Coroner so from Time to Time to be appointed: Provided always, that no Person shall be elected as Coroner as aforesaid who shall not be seised or possessed of such an Estate as would qualify him to be appointed Coroner of a Borough under the One hundred and fifty-third Section of the said recited Act; and every such Person shall, before he acts as such Coroner, take and subscribe the same Oaths and shall be liable to be removed in the same Manner as if he were a Coroner appointed under the said Section; and every Coroner so appointed under this Act shall be paid and remunerated in such Manner and out of such Funds, and shall have and exercise all the same Powers, Privileges, and Authorities, and shall perform the same Duties, and be subject to the same Liabilities, Incidents, and statutory Privileges in all respects as if a separate Court of Quarter Sessions of the Peace were held in such Borough as in the said Act provided, and such Coroner were duly appointed under the Provisions of the said One hundred and fifty-third Section.

No Person to be appointed who is not qualified as under Sect. 153. of recited Act.

II. And

Municipal Corporations (Ireland) Act Amendment.

II. And whereas by the One hundred and fifty-fifth Section of said recited Act it is enacted, "That in every Borough in and for which "no separate Sessions of the Peace shall be holden, no Person after "the First Day of *December* next after the First Election of "Councillors under that Act in that Borough shall take any "Inquisition which belonged to the Office of Coroner within such "Borough, save only the Coroner of the County at large in which "such Borough was situated:" Be it enacted, That so much of the said Act as is herein-before set forth shall be and the same is hereby repealed, so far as the same applies to the said Boroughs named in Schedule "A." to the said Act annexed or any of them. Provided always, that until the Council of any such Borough shall have appointed a Coroner of such Borough, or filled up any Vacancy in the Office of Coroner as herein-before mentioned, the Coroners of the County at large in which such Borough is situated, or any of them, shall have Authority to and shall and may hold Inquisitions and otherwise act as Coroner in such Borough, and shall be entitled to be paid for the same in the same Manner as if this Act had not been passed.

Part of Sect. 155. of 3 & 4 Vict. c. 108. repealed.

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Years of Her Majesty, Chapter Twenty-six, the said Secretary of State is empowered to order any Convict in *Pentonville* or *Millbank* Prison becoming or found insane during Confinement to be removed to such Lunatic Asylum as the said Secretary of State may think proper: And whereas it is expedient that Provision should be made for the Custody and Care of Criminal Lunatics in an Asylum or Asylums appropriated to that Purpose: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Her Majesty may appoint Asylum for Criminal Lunatics.

I. It shall be lawful for Her Majesty from Time to Time, by Warrant under Her Royal Sign Manual, to appoint that any Asylum or Place in *England* which Her Majesty may have caused to be provided or appropriated, and may deem suitable for this Purpose, shall be an Asylum for Criminal Lunatics, and the Provisions of this Act shall be applicable to every such Asylum.

Secretary of State may direct Criminal Lunatics to be confined in the Asylum.

II. It shall be lawful for One of Her Majesty's Principal Secretaries of State, by Warrant under his Hand, to direct to be conveyed to and kept in any such Asylum any Person for whose safe Custody during Her Pleasure Her Majesty is authorized to give Order, or whom such Secretary of State might direct to be removed to a Lunatic Asylum under any of the Acts hereinbefore mentioned, or under any other Act of Parliament, or any Person sentenced or ordered to be kept in Penal Servitude, who may be shown to the Satisfaction of the Secretary of State to be insane, or to be unfit from Imbecility of Mind for Penal Discipline; and the Secretary of State may direct to be removed to and kept in such Asylum any such Persons as aforesaid, who, under any previous Order of Her Majesty or Warrant of the Secretary of State, may have been placed and remain in any County Lunatic Asylum, or other Place of Reception for Lunatics, and every Person directed by the Secretary of State to be conveyed or removed to and kept in an Asylum under this Act, shall be conveyed to such Asylum accordingly, and shall be kept therein until lawfully removed or discharged, and that with every Person so conveyed or removed there shall be transmitted a Certificate, as set forth in Schedule A. to this Act annexed, duly filled up and authenticated, the Contents of which Certificate shall be transcribed into the General Register to be kept in every such Asylum.

Nothing to affect the Authority of

III. Nothing in this Act shall restrain or affect the Authority of Her Majesty, where She may so think fit, to give such other Order for

for the safe Custody of any such Person as aforesaid as She might have given if this Act had not been passed, or restrain or affect the Authority of the Secretary of State to continue in or direct to be removed to any County Asylum or other Place for the Reception of Lunatics any of the Persons aforesaid whom he might have so continued or directed to be removed if this Act had not been passed.

the Crown to make other Provision for the Custody of a Criminal Lunatic.

IV. It shall be lawful for the Secretary of State from Time to Time to appoint any such Persons as he may think fit, being not less than Three in Number, to be a Council of Supervision for any Asylum under this Act, and to remove all or any of the said Council, and upon the Removal, Death, or Resignation of any Member of the said Council, to appoint another in his Place; and also from Time to Time to appoint for the Asylum a resident Medical Superintendent, a Chaplain, and such other Officers, Assistants, and Servants as he may deem necessary, and at Pleasure to remove such Superintendent, Chaplain, Officers, Assistants, and Servants respectively; and the Secretary of State, with the Approval of the Commissioners of Her Majesty's Treasury, shall fix the Salaries to be paid to the Superintendent, Chaplain, Officers, Assistants, and Servants of such Asylum.

Secretary of State to appoint Council of Supervision and Officers for Asylums.

V. It shall be lawful for the Secretary of State from Time to Time to make Rules for the Government and Management of the Asylum, and for the Duties and Conduct of the Officers thereof, and for the Care and Treatment of the Persons confined therein, and to subscribe a Certificate that they are fit to be enforced, and such Rules, when so certified, shall be binding on the Council, and all Officers, Assistants, and Servants of the Asylum, and all other Persons whomsoever, and all such Rules shall be laid before Parliament within Twenty-one Days after they shall be certified, or if Parliament be not sitting then within Twenty-one Days after the next Meeting of Parliament.

Secretary of State to make Rules for the Government of the Asylum.

VI. Subject to the Rules certified by the Secretary of State under this Act, the Council of Supervision shall superintend and direct the Management and Conduct of the Asylum, and the Care and Treatment of the Lunatics confined therein; and such Council or any Two of them shall from Time to Time, as by the Rules shall be provided, and at such other Times as they may think fit, report in Writing to the Secretary of State in relation to the Management and Conduct of the said Asylum and the Condition thereof, and to any Matters concerning the same; and if any Person detained and confined as aforesaid shall be of a Religious Persuasion differing from that of the Established Church, a Minister of such Persuasion at the special Request of such Person or of his Friends or Relations shall be allowed to

Subject to such Rules, Council to superintend Asylum.

to visit him at proper and reasonable Times by Application to the Medical Superintendent, and under such Rules as may be approved of by the Secretary of State, but no such Person shall be compelled to attend any of the Ordinances or Instructions of any Religious Persuasion other than his own.

Provision as to Removal and Discharge of Lunatics.

VII. The Provisions of the Acts herein-before mentioned, or of any other Act for the Removal or Discharge of Lunatics whom the said Secretary of State is, under the herein-before mentioned Acts or any other Act now in force, authorized to direct to be removed to any Lunatic Asylum, shall extend and apply to any Lunatic whom the Secretary of State may direct to be conveyed to any Asylum for Criminal Lunatics appointed under this Act: Provided always, that any Order for Removal or Discharge which may now be made by the Secretary of State on the Certificate of Two Physicians or Surgeons may be made on the Certificate of the Resident Medical Superintendent of the Asylum and any Two of the Council of Supervision.

Provision for Discharge of Persons confined after their Term of Imprisonment has expired.

VIII. Provided also, That where by reason of the Expiration of his Term of Imprisonment or Penal Servitude, or otherwise, a Person confined in the Asylum would be entitled to his Discharge if duly certified to have become of sound Mind, it shall be lawful for the Secretary of State by his Warrant to order the Discharge of such Person, although he may not have been certified as aforesaid, to the Intent that he may be placed in a County Lunatic Asylum, or otherwise subjected to the same Care and Treatment as Lunatics not being Criminals.

Secretary of State may permit any Lunatic to be absent from Asylum on Trial, &c.

IX. Provided also, That it shall be lawful for the Secretary of State by his Warrant to permit any Person confined in the Asylum to be absent from such Asylum upon Trial for such Period as he may think fit, or to permit any such Person to be absent from such Asylum upon such Conditions in all respects as to the Secretary of State shall seem fit, and in case any Person so permitted to be absent upon Trial for any Period do not return at the Expiration of such Period, or in case any of the Conditions on which any Person is so permitted to be absent be broken, the Person not returning at such Expiration or absent after any such Condition has been broken, as the Case may be, may be re-taken as herein provided in the Case of an Escape.

Provisions of 3 & 4 Vict. c. 54., as to Expenses of Conveyance and Maintenance to apply to this Act,

X. All Provisions in the said Act of the Third and Fourth Years of Her Majesty for the Payment of the Conveyance of such insane Persons as therein mentioned to any Asylum or other Receptacle, and of his Maintenance therein, shall extend and be applicable to the Conveyance of any such Person to any Asylum for Criminal Lunatics, and

and his Maintenance therein, and all Sums payable under any Order made under such Provisions shall be paid and applied towards defraying or reimbursing the Expenses in respect of which the same are paid, or other Expenses of the Asylum, as the Commissioners of Her Majesty's Treasury may direct.

Lunatics escaping may be re-taken by Superintendent, &c.

XI. In case of Escape of any Person confined in any Asylum for Criminal Lunatics, he may be retaken at any Time by the Superintendent of such Asylum, or any Officer or Servant belonging thereto, or any Person assisting such Superintendent, Officer, or Servant in this Behalf, or any other Person authorized in Writing in this Behalf by the Secretary of State or such Superintendent, and conveyed to and received and detained in such Asylum.

Punishment of Persons for Rescue or permitting Escape.

XII. Any Person who rescues any Person ordered to be conveyed to any Asylum for Criminal Lunatics during the Time of his Conveyance thereto, or of his Confinement therein, and any Officer or Servant in any Asylum for Criminal Lunatics, who through wilful Neglect or Connivance permits any Person confined therein to escape therefrom, or secretes, or abets or connives at the Escape of any such Person, shall be guilty of Felony, and being convicted thereof shall be liable to be kept in Penal Servitude for any Term not exceeding Four Years, or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, at the Discretion of the Court, and any such Officer or Servant who carelessly allows any such Person to escape as aforesaid, shall on summary Conviction before Two Justices of such Offence, forfeit any Sum not exceeding Twenty Pounds nor less than Two Pounds.

Penalty on Officers or Servants ill-treating Lunatics.

XIII. Any Superintendent, Officer, Nurse, Attendant, Servant, or other Person employed in any Asylum for Criminal Lunatics who strikes, wounds, ill-treats, or wilfully neglects any Person confined therein, shall be guilty of a Misdemeanor, and shall be subject to Indictment for every such Offence, and on Conviction under the Indictment to Fine or Imprisonment, with or without Hard Labour, or to both Fine and Imprisonment, at the Discretion of the Court, or to forfeit for every such Offence, on a summary Conviction thereof before Two Justices, any Sum not exceeding Twenty Pounds nor less than Two Pounds.

Commissioners in Lunacy to visit Asylums;

XIV. Two or more of the Commissioners in Lunacy, One at least of whom shall be a Physician or Surgeon, and One at least a Barrister, shall, once or oftener in each Year, on such Day or Days and at such Hours of the Day and for such Length of Time as they think fit, and also at any Time when directed by the Secretary of

 State,

State, visit every Asylum for Criminal Lunatics, and shall inquire as to the Condition, as well mental as bodily, of the Persons confined therein, or any of them, and shall also make such other Inquiries as to such Asylum as to them may seem proper, or as such Secretary of State may direct.

and report to Secretary of State.

XV. The Commissioners in Lunacy shall in the Month of *March* in every Year report to One of Her Majesty's Principal Secretaries of State the Visits made as aforesaid in the preceding Year, and all such Particulars in relation to every Asylum visited as aforesaid as they think deserving of Notice, and shall also report in like Manner in relation to any Visit made by the Direction of the Secretary of State, as soon as conveniently may be after such Visit, and a Copy of every such Report shall be laid before Parliament within Twenty-one Days after the Receipt thereof, or if Parliament be not sitting, then within Twenty-one Days after the next Meeting of Parliament.

SCHEDULE A.

STATEMENT respecting CRIMINAL LUNATICS to be filled up and transmitted to the MEDICAL SUPERINTENDENT with every CRIMINAL LUNATIC.

Name - - - -
Age - - - -
Date of Admission - -
Former Occupation - -
From whence brought - -
Married, single, or widowed -
How many Children - -
Age of youngest - - -
Whether First Attack - -
When previous Attacks occurred -
Duration of existing Attack -
State of bodily Health - -
Whether suicidal or dangerous to others - - - -
Supposed Cause - - -
Chief Delusions or Indications of Insanity - - - -
Whether subject to Epilepsy -
Whether of temperate Habits -
Degree of Education - -
Religious Persuasion - -
Crime - - - - -
When and where tried - -
Verdict of Jury - - -
Sentence - - - -

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ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

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CAP. LXXVI.

An Act to amend the Burial Grounds (*Ireland*) Act (1856). [6th *August* 1860.]

WHEREAS it is expedient to amend "The Burial Grounds (*Ireland*) Act, 1856:" Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: 19 & 20 Vict. c. 98.

I. The Provisions contained in the said Act shall extend to authorize any Burial Board to contract for and purchase any Lands, and Buildings thereon, for the Purpose of making Additions to any Burial Ground, although such Burial Ground shall not have been formed or purchased under the said Act, provided that such Burial Ground is not attached or contiguous to any Church or Chapel or Place of Worship actually used for Divine Worship, nor is situate in a private Demesne; and such Burial Board shall have and exercise, with respect to the Acquisition and Management of such Additions, all the Powers and Authorities and be subject to all the Provisions contained in the said Act with respect to the Acquisition and Management of new Burial Grounds, in the same Manner as if the Acquisition of such Additions had been authorized by the said Act. Provisions of recited Act to be extended to Additions to existing Burial Grounds.

 II. When

When Burial Ground not fenced or kept in decent Order by Owner, Burial Board may serve a Notice requiring the same to be fenced, &c.

II. When any Burial Ground not being attached or contiguous to any such Church, Chapel, or Place of Worship, nor situate as aforesaid, is without any sufficient Fence, or is not kept in decent Order, the Burial Board for the Union, Borough, or Town within which such Burial Ground shall be situated may, by Notice in Writing to the Owner of such Burial Ground, require him properly to fence the same or put the same in decent Order within a Time to be specified in such Notice, not being less than Six Calendar Months, and if such Notice be not complied with within the Time specified in such Notice, the said Burial Board may securely fence such Burial Ground, and put the same into decent Order, and the Expense thereof shall be deemed Part of the Expenses incurred in the Execution of the said Act.

After Six Months from Service of Notice, &c. Burial Board empowered to fence Burial Ground, and keep the same in order, and take the Management

III. When such Owner cannot be ascertained, or Notice as aforesaid cannot be served, such Burial Board may give Notice, by public Advertisement in some Newspaper circulating in the County wherein such Burial Ground is situated, of their Intention to fence such Burial Ground, or put the same in decent Order, as the Case may be, and after the Expiration of a Time to be specified in such Notice, not being less than Six Calendar Months, may proceed to fence such Burial Ground, or put the same in decent Order; and when such Notice shall have been given or Advertisement published, and the Expense of fencing of such Burial Ground or putting the same in decent Order shall have been defrayed by such Burial Board, as herein-before mentioned, such Burial Ground shall be under the Control and Management of such Burial Board, and they shall be deemed the Owners thereof until such Time as they shall have been reimbursed by the Owner thereof the Expense so incurred by them, with Interest thereon at the Rate of Five Pounds *per Centum per Annum.*

Burial Boards may accept the Management of Burial Grounds.

IV. When the Owner of any Burial Ground shall be desirous of putting the same under the Management of the Burial Board of the District, it shall be lawful for such Burial Board to accept the Management thereof, and thereupon the said Burial Board shall be deemed the Owners thereof, and shall have and exercise all the Powers and Authorities of the said recited Act and of this Act, with respect to the same, until the Owner, his Heirs or Assigns, shall repay to the said Burial Board all Expenses incurred by them in securely fencing such Burial Ground or putting the same into decent Order, with Interest thereon at the Rate of Five Pounds *per Centum per Annum.*

V. This

Burial Grounds (Ireland) Act (1856) *Amendment.*

V. This Act shall be deemed to be incorporated with "The Burial Grounds (*Ireland*) Act, 1856," and shall be as if this Act and the said Act were One Act.

Act to be construed as One Act.

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ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

***

Local Authority to execute the Nuisances Removal Act.

II. The following Bodies shall respectively be the Local Authority to execute the said Nuisances Removal Act in the Districts hereunder stated in *England*:

In any Place within which the Public Health Act is or shall be in force, the Local Board of Health:

In any other Place wherein a Council exists or shall exist, the Mayor, Aldermen, and Burgesses by the Council, except in the City of *London* and the Liberties thereof, where the Local Authority shall be the Commissioners of Sewers for the Time being, and except in the City of *Oxford* and Borough of *Cambridge*, where the Local Authority shall be the Commissioners acting in execution of the Local Improvement Acts in force respectively in the said City and Borough:

In any Place in which there is no Local Board of Health or Council, and where there are or shall be Trustees or Commissioners under an Improvement Act, such Trustees or Commissioners:

In any Place within which there is no such Local Board of Health, Council, Body of Trustees, or Commissioners, if there be a Board of Guardians of the Poor for such Place, or for any Parish or Union within which such Place is situate, such Board of Guardians, and, if there be no such Board of Guardians, the Overseers of the Poor for such Place, or for the Parish of which such Place forms Part.

Highway Board or Nuisances Removal Committees now subsisting may be continued so long as they employ Sanitary Inspectors.

III. Provided, That in any Place where a Highway Board or "The Nuisances Removal Committee" chosen by the Vestry in pursuance of the said Act is subsisting, and at the Time of the passing of this Act employs or joins with other Local Authorities in employing a Sanitary Inspector or Inspectors, such Highway Board or Nuisances Removal Committee may continue to act, and a like Committee may be annually chosen by the Vestry for such Place in the same Manner as if this Act had not been passed; but in case in any Year the Nuisances Removal Committee be not chosen for such Place in manner provided by the said Act, or if the Highway Board or Committee now subsisting or hereafter chosen fail for Two Months in any Year to appoint or employ a Sanitary Inspector or Inspectors, the Authority of such Highway Board or Committee shall cease, and no like Committee shall be chosen for such Place, and the same Body or Persons shall thenceforth be the Local Authority for the Place as if no such Highway Board or Committee had been appointed therein.

How Expenses of Local Authority to be ayed.

IV. All Charges and Expenses incurred by the Local Authority in executing the said Nuisances Removal Act, and not recovered as therein provided, shall be defrayed as follows; to wit,

Out

Out of General District Rates where the Local Authority is a Local Board of Health:

Out of the Borough Fund or Borough Rate where the Local Authority is the Mayor, Aldermen, and Burgesses by the Council:

Provided always, that in the City of *Oxford* and Borough of *Cambridge* such Expenses shall be deemed annual Charges and Expenses of cleansing the Streets of the said City and Borough respectively, and shall be so payable:

Out of the Rates levied for Purposes of Improvement under any Improvement Act, where the Local Authority is a Body of Trustees or Commissioners acting in execution of the Powers of such an Act:

Where a Board of Guardians for a Union is such Local Authority for the whole of such Union, such Charges and Expenses shall be defrayed by means of an Addition to be made to the Rate for the Relief of the Poor of the Parish or Parishes for which the Expense has been incurred, and be raised and paid in like Manner as Money expended for the Relief of the Poor:

Where the Board of Guardians for a Union is such Local Authority for Two or more Places maintaining their own Poor, but not for all such Places in such Union, such Charges and Expenses shall be paid out of the Poor Rates of the Places aforesaid for which the Board is the Local Authority:

Where the Board of Guardians for a Union is under this Act the Local Authority for a single Place maintaining its own Poor, and where the Board of Guardians for any such single Place, or the Overseers of any such Place, or "The Nuisances Removal Committee" continued or chosen as herein-before provided in any such Place, are under this Act the Local Authority for such Place, such Charges and Expenses shall be defrayed out of the Rates for the Relief of the Poor thereof:

Where the Board of Guardians for a Union is under this Act the Local Authority for Part only of any Place maintaining its own Poor, together with the whole of any other such Place or Part of any other such Place, such Board shall apportion such Charges and Expenses between or among any or every such Part and any or every such Place; and so much of such Charges and Expenses as may be apportioned to any or every such Place for the whole of which such Board is the Local Authority shall be defrayed out of the Rates or Funds applicable to the Relief of the Poor thereof:

So much of any such Charges and Expenses as may be apportioned to Part of a Place maintaining its own Poor, and any such Charges and

and Expenses incurred by any Board of Guardians or Overseers, where such Board or Overseers are the Local Authority for Part of any such Place only, shall be defrayed by means of an Addition to be made to the Rate for the Relief of the Poor thereof, and be raised and paid in like Manner as Money expended for the Relief of the Poor.

Board of Guardians may appoint Committees for particular Parishes.

V. Provided, That the Board of Guardians for a Union may appoint a Committee or Committees of their own Body, under Section Five of the said Nuisances Removal Act, to act in and for One or more of the Parishes or Places for which the Board is the Local Authority; and every Committee so appointed shall have the full Power of executing the said Act in all respects, within the specified Place or Places for which it is appointed, unless its Power be expressly limited by the Terms of its Appointment; and the Board of Guardians shall cause the Charges and Expenses of every such Committee to be paid out of the Poor Rates of the Place or Places for which such Committee is appointed; and where a Committee is so appointed for any such Place or Places the Charges and Expenses of the Board as Local Authority for or in respect of the Place or Places for which a Committee is not appointed shall be paid or contributed by such last-mentioned Place or Places in like Manner as the Expenses of a Committee: Provided that where any One such Committee is appointed for all the Places for which the Board is the Local Authority its Charges and Expenses shall be contributed and paid in like Manner as the Charges and Expenses of the Board would have been contributed and paid if such Committee had not been appointed.

Saving for the Vestries and District Boards of the Metropolis.

VI. Provided also, That as regards the Metropolis, the Vestries and District Boards under the Act of the Session holden in the Eighteenth and Nineteenth Years of Her Majesty, Chapter One hundred and twenty, within their respective Parishes and Districts, shall continue and be the Local Authorities for the Execution of the said Nuisances Removal Act, and their Charges and Expenses shall be defrayed as if this Act had not been passed.

Wells, &c. belonging to any Place vested in Local Authority, &c.

VII. All Wells, Fountains, and Pumps provided under Section Fifty of "The Public Health Act, 1848," or otherwise, for the Use of the Inhabitants of any Place, and not being the Property of or vested in any Person or Corporation other than Officers of such Place, shall be vested in the Local Authority under this Act for such Place, who shall from Time to Time cause to be kept in good Repair and Condition and free from Pollution all Wells, Fountains, and Pumps vested in them under this Act, and may also keep

keep in good Repair and Condition and free from Pollution other Wells, Fountains, and Pumps dedicated to or open to the Use of the Inhabitants of such Place.

Penalty for fouling Water.

VIII. If any Person do any Act whatsoever whereby any Fountain or Pump is wilfully or maliciously damaged, or the Water of any Well, Fountain, or Pump is polluted or fouled, he shall, upon summary Conviction of such Offence before Two Justices, forfeit a Sum not exceeding Five Pounds for such Offence, and a further Sum not exceeding Twenty Shillings for every Day during which such Offence is continued after written Notice from the Local Authority in relation thereto; but nothing herein contained shall extend to any Offence provided against by Section Twenty-three of the said "Nuisances Removal Act."

Appointment of Inspectors of Nuisances.

IX. Local Authorities under this Act may, for the Purposes of the Act, severally appoint or employ Inspectors of Nuisances, and make such Payments as they see fit for the Remuneration and Expenses of such Inspectors.

Diseases Prevention.

Sections 2. and 3. of 18 & 19 Vict. c. 116. repealed.

X. Sections Two and Three of "The Diseases Prevention Act, 1855," and every other Enactment constituting a Local Authority for the Execution of the same Act, or providing for the Expenses of the Execution thereof, except those contained in the Eighteenth and Nineteenth of *Victoria*, Chapter One hundred and twenty, the Metropolis Local Management Act, shall be repealed.

Guardians and Overseers of the Poor to be the Local Authorities for executing Diseases Prevention Act.

XI. The Board of Guardians for every Union, or Parish not within an Union, in *England* shall be the Local Authority for executing the said Diseases Prevention Act in every Place within their respective Unions and Parishes, and in every Parish and Place in *England* not within a Union, and for which there is no Board of Guardians, the Overseers of the Poor shall be the Local Authority to execute the same Act; and the Expenses incurred in the Execution of such Act by the Board of Guardians for a Union shall be defrayed out of the Common Fund thereof, and the Expenses of the Board of Guardians or Overseers of the Poor of any single Parish or Place shall be defrayed out of the Rates for the Relief of the Poor of such Parish or Place; provided that every such Board of Guardians shall, for the Execution of the said Act for the Prevention of Diseases, have the like Powers of appointing Committees, with the like Authority, and where any such Committee is appointed the Expenses thereof and of the Board shall be paid in the same Manner, as herein-before provided where such a Board is the Local Authority for the Execu-

tion of the said Nuisances Removal Act; provided also, that any Expenses already incurred by any Local Authority in the Execution of the said Act shall be defrayed as if this Act had not been passed; provided, moreover, that in respect of any Place where, under this Act, the Local Authority for executing the Nuisances Removal Act is any other Body than the Board of Guardians or the Overseers of the Poor, the Privy Council, if it see fit, may, in the Manner provided for the Exercise of its Powers under the Public Health Act, 1858, authorize such other Body to be, instead of the Board of Guardians or the Overseers of the Poor, the Local Authority for executing the Diseases Prevention Act; provided also, that as regards the Metropolis the Vestries and District Boards under the Act of the Session holden in the Eighteenth and Nineteenth Years of Her Majesty, Chapter One hundred and twenty, within their respective Parishes and Districts, shall continue to be the Local Authorities for the execution of the said "Diseases Prevention Act, 1855," and their Charges and Expenses shall be defrayed as if this Act had not been passed.

Local Authorities may provide Carriages for Conveyance of infected Persons.

XII. It shall be lawful for the Local Authority for executing the said "Diseases Prevention Act" to provide and maintain a Carriage or Carriages suitable for the Conveyance of Persons suffering under any contagious or infectious Disease, and to convey such sick and diseased Persons as may be residing within such Locality to any Hospital or other Place of Destination, and the Expense thereof shall be deemed to be an Expense incurred in executing the said Act.

Justices, on the Application of Householders, may order the Removal of Nuisances.

XIII. Upon Complaint before a Justice of the Peace by any Inhabitant of any Parish or Place of the Existence of any Nuisance on any private Premises in the same Parish or Place, such Justice shall issue a Summons requiring the Person by whose Act, Default, Permission, or Sufferance the Nuisance arises, or if such Person cannot be found or ascertained, the Owner or Occupier of the Premises on which the Nuisance arises, to appear before Two Justices in Petty Sessions assembled at their usual Place of Meeting, who shall proceed to inquire into the said Complaint, and act in relation thereto as in Cases where Complaint is made by a Local Authority under Section Twelve of the said Nuisances Removal Act, and as if the Person making the Complaint were such Local Authority: Provided always, that it shall be lawful for the said Justices, if they see fit, to adjourn the Hearing or further Hearing of such Summons for an Examination of the Premises where the Nuisance is alleged to exist, and to require the Admission or authorize the Entry into such Premises of any Constable or other Person or Persons, and thereupon the Person or Persons authorized by the Order of the Justices

Justices may enter and act as the Local Authority might under a like Order made by any Justice under Section Eleven of the said Act: Provided also, that the Costs in the Case of every such Application shall be in the Discretion of the Justices, and Payment thereof may be ordered and enforced as in other Cases of summary Adjudication by Justices: Any Order made by Justices under this Enactment shall be attended with the like Penalties and Consequences for Disobedience thereof and subject to the like Appeal as any Order made under Section Twelve of the said Nuisances Removal Act, and the Justices making such Order may thereby authorize any Constable or other Person or Persons to do all Acts for removing or abating the Nuisance condemned or prohibited, and for executing such Order, in like Manner as a Local Authority obtaining the like Order might do under the said Act, and to charge the Costs to the Person on whom the Order is made, as is provided in the Case where a like Order is obtained and executed by such Local Authority.

Guardians may procure sanitary Reports and pay for the same.

XIV. The Guardians of any Union, or Parish not within an Union, may at any Time employ One of their Medical Officers to make Inquiry and report upon the sanitary State of their Union or Parish, or any Part thereof, and pay a reasonable Compensation for the same out of their Common Fund.

Interpretation of Terms.

XV. The several Words used in this Act shall be construed in the same Manner as is declared with reference to the same Words in the above-cited Act, termed "The Nuisances Removal Act for *England*, 1855," and all the Provisions therein, and in "The Diseases Prevention Act, 1855," contained, shall respectively be applicable to this Act, except so far as they shall be hereby repealed, or be inconsistent with anything herein provided.

Justices not incapable of acting by being Members of Bodies to execute Nuisances Removal Act.

XVI. No Justice of the Peace shall, unless objected to at the Hearing of any Complaint or Charge, be deemed incapable of acting in Cases other than Appeals arising under the said Nuisances Removal Act by reason of his being a Member of any Body hereby declared to be the Local Authority to execute the said Act, or by reason of his being a Contributor, or liable to contribute, to any Rate or Fund out of which it is hereby provided that all Charges and Expenses incurred in executing the said Act, and not recovered as therein provided, shall be defrayed.

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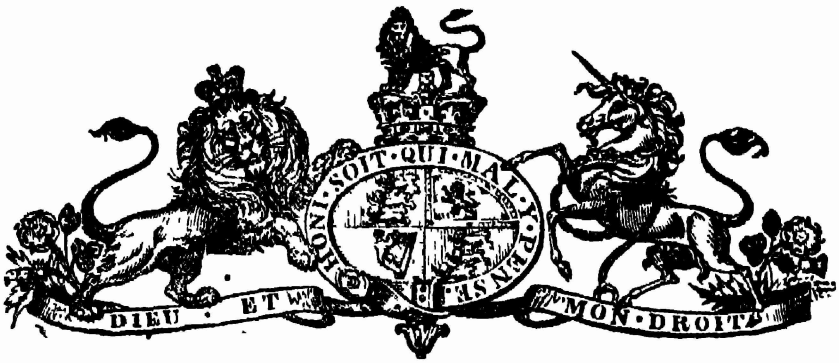

ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

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CAP. LXXVIII.

An Act to place the Employment of Women, Young Persons, and Children in Bleaching Works and Dyeing Works under the Regulations of the Factories Acts. [6th *August* 1860.]

WHEREAS it is the Practice of some of the Occupiers of Bleaching Works and Dyeing Works to keep Females, Young Persons, and Children at work during the Night, and an unreasonable Number of Hours during the Day: And whereas such Practices are not necessary to the successful carrying on of those Trades, but are very injurious to the Health and Morals of the Females, Young Persons, and Children employed therein, and it has become necessary to regulate the Employment of such People, and to provide for the Education of such Children: And whereas an Act was passed in the Fourth Year of the Reign of His late Majesty, intituled *An Act to regulate the Labour of Children and Young Persons in the Mills and Factories of the United Kingdom:* And whereas an Act was passed in the Seventh Year of the Reign of Her present Majesty, intituled *An Act to amend the Laws relating to Labour in Factories:* And whereas an Act was passed in the Tenth Year of the Reign of Her present Majesty, intituled *An Act to limit the Hours of Labour of Young Persons and Females in Factories:* And whereas

3 & 4 W. 4. c. 103.

7 & 8 Vict. c. 15.

10 & 11 Vict. c. 29.

an Act was passed in the Fourteenth Year of the Reign of Her present Majesty, intituled *An Act to amend the Acts relating to Labour in Factories:* And whereas an Act was passed in the Seventeenth Year of the Reign of Her present Majesty, intituled *An Act further to regulate the Employment of Children in Factories:* And whereas an Act was passed in the Twentieth Year of the Reign of Her present Majesty, intituled *An Act for the further Amendment of the Laws relating to Labour in Factories:* Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

13 & 14 Vict. c. 54.

16 & 17 Vict. c. 104.

19 & 20 Vict. c. 38.

Recited Acts to apply to Bleaching and Dyeing Works, and to the Employment of Females, Young Persons, and Children therein.

I. That from and after the First Day of *August* One thousand eight hundred and sixty-one the Powers and Provisions of the herein-before recited Acts shall apply and be held to apply to Bleaching Works and Dyeing Works, except Works in which the Operation of Bleaching by the Open-air Process is the only Operation of Bleaching carried on, and to the Employment of Females, Young Persons, and Children in Bleaching Works and Dyeing Works, except as aforesaid, to all Intents and Purposes as completely and effectively as if such Bleaching Works and Dyeing Works had been mentioned and included in the Provisions of the herein-before recited Acts or any of them, except as is herein-after provided: Provided nevertheless, that until the First Day of *August* One thousand eight hundred and sixty-two it shall be lawful to employ Females above the Age of Eighteen Years and Young Persons in Bleaching Works and Dyeing Works until Eight of the Clock at Night on every working Day except *Saturdays*, and until Half past Four of the Clock in the Afternoon on *Saturdays*.

Females and Young Persons may be employed until Half past Four o'Clock on Saturdays and until Eight o'Clock on other Days, but not so as to exceed in any Period of Six Months and Part of another Month the total Number of Hours allowed by this Act, &c.

II. Provided also, That after the said First Day of *August* One thousand eight hundred and sixty-two it shall be lawful to employ Females above the Age of Eighteen Years and Young Persons in Bleaching Works and Dyeing Works, in every Case where the Employment of such Females and Young Persons, as regulated by the herein-before recited Acts, or any of them, or by this Act, shall have been suspended or Time shall have been lost in consequence of Fluctuations in Trade, the Nature of the Process, or any other Cause, in recovering Time so lost, until Half past Four of the Clock in the Afternoon on *Saturdays*, and until Eight of the Clock at Night on other Days: Provided that by means of such Employment the whole Time which such Females and Young Persons, or any of them, shall have been employed during the then present Calendar Month and the then last past Six Calendar Months, do not exceed the total Number of Hours which such Females and Young

Persons

Bleaching and Dyeing Works.

Persons may lawfully be employed according to the Provisions of the First Section of this Act and of the Provisions of the recited Acts.

III. It shall not be lawful in any Case, after the said First Day of *August* One thousand eight hundred and sixty-one, to employ Females and Young Persons or any of them in Bleaching Works or Dyeing Works, except such Works as before excepted, after Half past Four of the Clock in the Afternoon of any *Saturday*, or for more than Nine Hours on any *Saturday*, or for more than Twelve Hours on any other Day.

Restriction as to Time Females and Young Persons are to be employed on Saturdays, and on other Days.

IV. In any Bleaching Works or Dyeing Works in which the Employment of Females and Young Persons shall have been suspended during any Day or Part of a Day, by reason of a Deficiency or Excess of Water in the Stream which, by means of a Waterwheel, should drive the Machinery or Part of the Machinery in such Works, but shall have failed so to do, it shall be lawful to employ such Females and Young Persons in such Cases during the Day and the Night following such Day (except such Day be *Saturday* when they may work until Six of the Clock) for the same Number of Hours within the Twenty-four consecutive Hours of such Day and Night as such Females and Young Persons may then otherwise be lawfully employed according to the Provisions of the herein-before recited Acts or of this Act.

Females and Young Persons may be employed during the Night in case of Suspension of Employment by Deficiency or Excess of Water in the Stream, Saturday Night excepted.

V. After the Month of *July* in the Year One thousand eight hundred and sixty-two the Occupier of every Bleaching Works or Dyeing Works, except such Works as before excepted, who shall employ Females and Young Persons, or any of them, after Half of an Hour after Two of the Clock in the Afternoon on any *Saturday*, or after Six of the Clock in the Evening on any other Day or Days, or during the Night, as herein-before provided, shall every Day, except *Sundays*, before Twelve of the Clock at Noon, register in a Book, first approved by an Inspector, in the Form given in Schedule (A.) to this Act annexed, in case such Females and Young Persons, or some of them, shall severally have been employed at or during a different Time or Times, the Time which each and every such Female and Young Person shall severally have been employed during the working Day last passed; and in case all such Females and Young Persons shall have been employed at one and as near as may be the same Time, then such Occupier shall every Day, except *Sundays*, before Twelve of the Clock at Noon register in a Book first approved by an Inspector, in the Form given in Schedule (B.) to this Act annexed, the longest Time which any such Females and Young Persons shall have been employed during the working Day last passed; and the Time so registered shall be held to be the Time which

Occupiers who employ Females and Young Persons according to the Provisions of this Act to keep Registers in the Form given in the Schedules annexed hereto.

which all such Females and Young Persons were so employed in such Works, unless it be proved otherwise to the Satisfaction of a Justice of the Peace.

As to Employment of Females and Young Persons who have not been before employed in Bleaching or Dyeing Works, &c.

VI. It shall be lawful to employ in Bleaching Works and Dyeing Works Females and Young Persons who shall not at any Time previous have been employed in any Bleaching Works or Dyeing Works, or who shall not have been employed at the same Works during the Calendar Month then last passed for the same Hours and at the same Time which it may then be lawful to employ Females and Young Persons who shall then be and have been employed at such Bleaching Works or Dyeing Works and none other during the Six Calendar Months last passed.

Interpretation of Terms.

VII. In the Construction of this Act the Words "Bleaching Works" and "Dyeing Works" shall be understood respectively to mean any Building, Buildings, or Premises in which Females, Young Persons, and Children, or any of them, are employed, and in One or more of which Buildings or Premises any Process previous to packing is carried on in the Occupation of Bleaching, Dyeing, or Finishing of any Yarn or Cloth of Cotton, Silk, Wool, or Flax, or any of them, or any Mixture of them, or any Yarn or Cloth of any other Material or Materials, and in One or more of which Processes Steam, Water, or other mechanical Power is used or employed; and the Words "the Operation of Bleaching by the Open-air Process" shall include every Process, whether of preparing, beetling, dyeing, finishing, or otherwise, to which Yarn or Cloth *bonâ fide* bleached in the open Air in Fields or Greens is usually and properly subjected.

Amendment of Sect. 28. of 7 & 8 Vict. c. 15. as to Notice of Time lost intended to be recovered.

VIII. That so much of Section Twenty-eight of the herein-before secondly recited Act as provides that Notices of all Time lost which is intended to be recovered, and of all Time which shall be recovered, shall be hung up in the Entrance of the Factory, and the whole of Section Thirty-three of the said Act, shall not apply to the Employment of Females or Young Persons under the Provisions of this Act; and that so much of Section Twenty-eight of the said Act as provides that Notices of the Times of the Day and Amount of Time allowed for their several Meals, of all Time lost which is intended to be recovered, and of all Time which shall be recovered, shall be hung up in the Entrance of the Factory, and so much of Section Thirty-six of the said Act as provides that during any Meal Time which shall form any Part of the Hour and a Half allowed for Meals no Child or Young Person shall be employed, or allowed to remain in any Room in which any manufacturing Process is then carried on, and all the Young Persons employed in a Factory shall

shall have the Time for Meals at the same Period of the Day, shall not apply to the Employment of Male Persons above Thirteen Years of Age in any Dyeing Works, or to the Employment of Children or Young Persons during the Meal Time of such Male Persons.

Act not to apply to Premises used solely for Purposes declared in 8 & 9 Vict. c. 29. regulating Labour of Children in Print Works.

IX. Nothing in this Act contained shall extend or apply to any Person in so far as they are employed in the open Air, or to any Building, Buildings, or Premises used solely for the Purposes declared in the Act of the Ninth Year of *Victoria*, intituled *An Act to regulate the Labour of Children, Young Persons, and Females in Print Works*, or to the Occupier of such Building, Buildings, or Premises in respect thereof, or to any Person or Persons employed solely in the Manner declared and regulated by the said Act, or to any Premises, either open, inclosed, or covered, used or to be used *bonâ fide* exclusively for the Purposes of carrying on the Process, Occupation, Trade, or Business of Turkey Red Dyeing, or to any Employment necessary or incident thereto, or to the Occupier of such Premises in respect thereof, or to the Employment upon such Premises of any Females, Young Persons, or Children solely engaged or employed in any such Process, Occupation, Trade, Business, or Employment.

Certain Provisions of Factories Acts not to extend to Bleaching, &c., Works.

X. Provided always, That the Provisions of the Factories Acts in regard to requiring Machinery to be fenced off, and the Ceilings of Buildings to be whitewashed, shall not extend to Bleaching Works or Dyeing Works.

Hours of Work defined.

XI. Provided always, That for the Purposes of this Act (except as in this Act otherwise provided) the Time within which a Person may be employed in Bleaching, Dyeing, or Finishing Works is from Six of the Clock in the Morning to Eight of the Clock in the Evening, but so that such Person shall not work more than Eight Hours on *Saturday*, Twelve Hours on any other Day, nor more than Sixty Hours in a Week.

Provisions in Factories Acts as to Meal Times not to extend to this Act.

XII. The Provisions contained in the Factories Acts fixing the Times for the Meals of the Workpeople employed in Factories shall not extend to Workpeople employed in Bleaching Works or Dyeing Works.

SCHEDULE (A.)

Register of the Time which each and every Female and Young Person has been employed during the Week ending [*February* 18*th* 1860], by [*John Armstrong and Company*] at the [*Fir Trees*] Bleaching Works or Dyeing Works, situate in the Township of [*Hopeton*] in the County of [*Lancaster*].

Progressive No. in Certificate Book.	Surname.	Christian Name.	Feb. 13. Monday.		Feb. 14. Tuesday.		Feb. 15. Wednesday.		Feb. 16. Thursday.		Feb. 17. Friday.		Feb. 18. Saturday.	
			Hrs.	Min.	Hrs.	Min.	Hrs.	Min.	Hrs.	Min.	Hrs.	Min.	Hrs.	Min.

SCHEDULE (B.)

Register of the longest Time which any Female or Young Person has been employed on each Day of the Month ending [*February* 18*th* 1860], by [*John Armstrong and Company*] at the [*Fir Trees*] Bleaching Works or Dyeing Works, situate in the Township of [*Hopeton*] in the County of [*Lancaster*].

	Monday.		Tuesday.		Wednesday.		Thursday.		Friday.		Saturday.	
	Hrs.	Min.	Hrs.	Min.	Hrs.	Min.	Hrs.	Min.	Hrs.	Min.	Hrs.	Min.
(1860.)												
Week ending (January 28) -												
Week ending (February 4) -												
Week ending (February 11) -												
Week ending (February 18) -												

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1860.

ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

****

C A P. LXXIX.

An Act to provide additional Accommodation for the Sheriff Courts in *Scotland*. [6th *August* 1860.]

WHEREAS it is expedient that additional Accommodation should be provided for the Sheriff Courts in *Scotland* and the Offices connected therewith: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. This Act may be cited for all Purposes as "The Sheriff Court Houses Act, 1860."

Interpretation of Terms.

II. The following Words and Expressions in this Act shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction:

The Word "Sheriff" shall include Sheriffs Substitute:

The Word "Magistrates" shall include Provost Magistrates and Council:

The Expression "Lands and Heritages," and the Expression "Valuation Rolls" shall have the same Meaning as is assigned to these Expressions in "The Valuation of Lands (*Scotland*) Acts," Seventeenth and Eighteenth *Victoria*, Chapter Ninety-one, and Twenty-first *Victoria*, Chapter Fifty-eight:

The Word "Court House" shall include Sheriff Clerk's Offices and Accommodation for the Procurator Fiscal, and for Procurators and Witnesses, and for the safe Custody of Documents: The Expression "Erection of a Court House" shall include the Addition to and the Alteration or rebuilding of any Court House already existing, and all necessary Works connected with such Erection, Addition, Alteration, or Rebuilding, and shall also include the Purchase of any existing Building for the Purpose of a Court House.

Representation may be made to the Secretary of State of Inadequacy of existing Court Houses.

III. On a Representation in Writing being made to One of Her Majesty's Principal Secretaries of State, by any Three Commissioners of Supply of any County, or by Her Majesty's Lieutenant and the Sheriff Depute of any County in *Scotland*, setting forth that the Court House Accommodation in such County is inadequate, it shall be lawful for the Secretary of State to remit such Representation for Investigation, and report to such Persons as he may think fit, and to make such other Inquiry with respect thereto as he may think necessary.

Representation, with Intimation of Opinion of Secretary of State, to be sent to the Clerk of Supply.

IV. If it shall appear to the Secretary of State, on Consideration of the Reports made to him, that a Court House or Additions to any existing Court House is or are required, he shall transmit such Representation to the Clerk of Supply of the County, with an Intimation of his Opinion thereon, for the Purpose of being laid before the Commissioners of Supply of the County.

Meeting of Commissioners of Supply to be called and held within One Month after the Receipt of Intimation, and Burghs may send Representatives.

V. Within Fourteen Days after the Receipt of such Intimation, a Special Meeting of the Commissioners of Supply of the County, for the Purpose of considering the same, shall be called by Advertisement, stating the Purpose thereof, and signed by the Convener of the County, and inserted once in each of Two successive Weeks in at least One Newspaper published in the County, or if there be no Newspaper published therein, in at least One Newspaper published in an adjoining County, and such Meeting shall be held within One Month after the Receipt of such Intimation from the Secretary of State; and it shall be lawful for the Magistrates of every Royal and Parliamentary Burgh in the County the Lands and Heritages situate in which Burgh are of not less yearly Value than Twenty thousand Pounds, as appearing from the Valuation Rolls, if they see cause, from Time to Time to elect such Number of Persons respectively as is set forth in the Schedule to this Act annexed to be present as their Representatives at the said Meeting, and at all subsequent Meetings of Commissioners of Supply for the Purposes of this Act, and such Persons shall be entitled to be present and to vote at such Meetings in like Manner with the Commissioners of Supply of the County.

VI. The

VI. The Commissioners of Supply may at such Meeting resolve to proceed with the Erection of a Court House; or, if it shall appear to them that additional Accommodation is not required at the Time, they may adopt a Resolution to that Effect.

Commissioners of Supply may adopt Resolution to proceed, or otherwise.

VII. The Resolution of such Meeting shall, within Eight Days after the Date thereof, be transmitted by the Clerk of Supply to the Secretary of State; and in the event of a Resolution being adopted that additional Accommodation is not required, the Clerk of Supply shall along with the same transmit any Statement of their Reasons for adopting such Resolution which the Commissioners of Supply or the said Representatives of Burghs may think fit to submit to the Secretary of State; and on considering such Resolution and Statement (if any) it shall be lawful for the Secretary of State to dispose of the same, by deciding that additional Accommodation shall be provided, either by the Erection of a Court House or that additional Accommodation is not required at the Time, as he may think fit.

Secretary of State to dispose of Resolution.

VIII. The Decision of the Secretary of State shall be intimated to the Clerk of Supply, and in the event of such Decision being to the Effect that additional Accommodation shall be provided, it shall be lawful for the Commissioners of Supply, and they are hereby required, immediately after the Receipt of such Intimation, to proceed in Terms thereof to obtain Plans and Specifications of a Court House.

Decision of Secretary of State to be intimated to the Clerk of Supply.

IX. Such Plans and Specifications shall, after being approved of by the Commissioners of Supply, be deposited in the Sheriff Clerk's Office of the County, and shall there remain for Fourteen Days after the Insertion in a Newspaper published in such County, or if there be no Newspaper published therein, in a Newspaper published in an adjoining County, of a Notice intimating that such Plans and Specifications have been so deposited; and during the said Period of Fourteen Days such Plans and Specifications shall be open to Public Inspection free of Charge.

Plans and Specifications to be deposited in Sheriff Clerk's Office for Public Inspection.

X. On the Expiration of the said Period of Fourteen Days, such Plans and Specifications shall be transmitted by the Clerk of Supply to the Secretary of State, who shall either approve of the same, or direct that any Alterations or Additions which he thinks necessary may be made thereon; and any Alterations or Additions directed by the Secretary of State shall be made by the Commissioners of Supply; and such Plans and Specifications shall thereafter be again transmitted by the Clerk of Supply to the Secretary of State, for his Approval.

Plans and Specifications to be approved by the Secretary of State.

XI. On

On Plans and Specifications being approved of, Buildings to be proceeded with.

XI. On such Plans and Specifications being approved of by the Secretary of State, the same shall be returned to the Clerk of Supply; and the same, with an Estimate of the necessary Expense, having been submitted to and approved of by the Commissioners of Her Majesty's Treasury, it shall be lawful for the Commissioners of Supply, and they are hereby required, immediately after the Receipt of the Plans and Specifications so approved, to proceed to purchase and acquire the Lands required for the Court House, and enter into Contracts, and to do all other Things necessary for carrying into effect the Purposes of this Act; and such Court House shall be erected and completed under the Superintendence of the Commissioners of Supply, or any Committee or Person appointed by them for that Purpose.

8 & 9 Vict. c. 18. incorporated.

XII. For facilitating the Purchase of Lands for the Purposes of this Act, "The Lands Clauses Consolidation (*Scotland*) Act, 1845," is hereby incorporated with this Act; and the Expression "the Promoters of the Undertaking" in the said Act shall, for the Purposes of this Act, mean the Commissioners of Supply of any County in *Scotland:* Provided that nothing in the said Act or in this Act contained shall authorize the Purchase of Lands otherwise than by Agreement.

Court Houses vested in Commissioners of Supply.

XIII. The Court Houses to be erected under the Provisions of this Act, and the Lands, Property, and Effects acquired for the Purposes thereof, shall vest in the Commissioners of Supply of the County in which such Court Houses are erected; and all Dispositions and Conveyances of Lands purchased and acquired under the Authority and for the Purposes of this Act shall be granted and taken to the Commissioners of Supply of such County by that Name, without further Description; and the Court Houses, Property, and Effects, which shall be so vested and acquired, shall be held by and for the Use of the Commissioners of Supply of such County for the Time being, without the Necessity of any continuing Title or Renewal of the Investiture, other than the said Dispositions and Conveyances and this Act; and such Court Houses shall be managed and kept in a proper State of Repair by the Commissioners of Supply of such County, who shall have the Control and Superintendence thereof.

Agreements may be made for Use of Court Houses by other Parties.

XIV. The Commissioners of Supply may make and enter into Agreements and Arrangements for and with respect to the Use of any Court Houses erected under the Provisions of this Act, or any Part thereof, with any Persons or Corporations desiring to use the same, on such Terms and Conditions as may be agreed upon, except on such Days as the said Court Houses are required for the Discharge

Discharge of the ordinary Civil and Criminal Jurisdiction of the Sheriffs; and any Questions or Differences as to the Use or Disposal of any Court Houses erected or improved under the Provisions of this Act, or any Part thereof, which may arise between the Commissioners of Supply and such Persons or Corporations, or any other Person entitled or claiming to be entitled to the Use of such Court Houses, or any Part thereof, shall be referred to and decided by the Lord Advocate of *Scotland* for the Time being, whose Decision shall be final, and not subject to Review in any Court or by any Process whatsoever.

One Half of Expense of Buildings to be defrayed out of Monies provided by Parliament, and the other Half by Assessment.

XV. On the Completion of any Court House which may be erected or improved under the Provisions of this Act, an Account of the total Expense thereof, including the Purchase of Lands and all incidental Expenses incurred in or with respect to the Erection or Improvement and fitting up and furnishing thereof, certified as correct under the Hands of the Convener and Two Commissioners of Supply of the County, shall be transmitted by the Clerk of Supply to the Commissioners of Her Majesty's Treasury; and it shall be lawful for the Commissioners of Her Majesty's Treasury, on the Receipt of such Account and Certificate, to pay One Half of such total Expense to such Commissioners of Supply, or their Treasurer, out of any Monies to be provided by Parliament from Time to Time for that Purpose; and the other Half of such total Expense shall be raised and defrayed by Assessment, as herein provided, on the Lands and Heritages in such County and the Burghs situate therein.

Expenses of Management and Repair to be defrayed out of Monies provided by Parliament.

XVI. The Expense of maintaining, managing, and keeping in repair, and of cleaning, lighting, and warming, the Court Houses to be erected or improved under the Provisions of this Act, including the Salaries or Wages of Porters, Hall Keepers, and other Persons employed therein, and other incidental annual Disbursements, shall be paid by the Commissioners of Her Majesty's Treasury out of any Monies to be from Time to Time provided by Parliament for that Purpose: Provided that the Accounts of all such Expenses shall be transmitted to and certified by the Queen's and Lord Treasurer's Remembrancer, in such Manner as the Commissioners of Her Majesty's Treasury shall direct.

Additional Sum may be contributed in Circuit Towns.

XVII. In the event of a Circuit Court of Justiciary being authorized to be held in any Burgh not being now a Circuit Town, it shall be lawful for the Commissioners of Her Majesty's Treasury, out of any Monies to be provided by Parliament from Time to Time for that Purpose, to contribute, towards the Erection of a Court House in such Burgh, over and above the Sums herein-before mentioned, the

Amount which it shall appear to the said Commissioners corresponds to any Saving of Public Money thereby effected.

As to Disposal of Court Houses ceasing to be used.

XVIII. In case any Court House, or any Part thereof, not being the Property of private Parties or of the Magistrates and Council of the Burgh in which it is situate, shall cease to be used as such in consequence of other Accommodation having been provided under this Act, the Commissioners of Supply may sell the same for such Price as they may obtain therefor, and convey the same to the Purchaser: Provided always, that when the Building so discontinued forms Part of any Building used for other Purposes, the first Offer of the same shall be made to the Parties having Right to the other Parts of the Building, at such Price as may be agreed on, or, in Case of Disagreement, as may be fixed by Valuators appointed by the Sheriff of the County: Provided also, that the Price received shall be applied to the Purposes for which an Assessment is authorized by this Act, and in Diminution *pro tanto* of the Sum so to be levied.

Assessments to be imposed on Lands and Heritages.

XIX. The Assessments for the Purposes of this Act, to be called "The Court House Assessments," shall be imposed and levied for such Periods as may be necessary by the Commissioners of Supply of every County in which a Court House has been erected or improved under the Provisions of this Act, and the Magistrates of every Burgh situate therein, respectively on all Lands and Heritages situate within such County and Burghs, according to the yearly Rent or Value thereof as established by the Valuation Rolls, and such Commissioners of Supply and Magistrates respectively are hereby empowered and required to impose and levy such Assessments accordingly, and that at such Rate in every Year as such Commissioners of Supply shall deem necessary, in order to provide sufficient Funds for the Purposes of this Act, including such Sum as may be required to cover the Expenses of Assessment, Collection, and Management, and any Arrears of preceding Years, and the Assessment shall be payable as for the Period from *Whitsunday* in the Year in which the same is imposed to *Whitsunday* in the Year immediately following, and may be levied either on the Proprietor or Tenant of such Lands and Heritages; but the Tenant, in the event of his paying such Assessment, shall be entitled to deduct the Amount from the Rent payable by him: Provided that such Commissioners of Supply or Magistrates shall not levy any Assessment in respect of any Dwelling House, Shop, or other such Premises, or any Offices or Outhouses connected therewith, which shall be unoccupied and unfurnished during the whole Period to which such Assessment applies.

XX. In

XX. In the Case of Lands and Heritages situated within any Burgh, let at a Rent under Four Pounds *per Annum*, or for a less Period than Half a Year, Deduction shall be allowed by the Magistrates of the Assessment for each entire Period of Six Months, from *Whitsunday* to *Martinmas* or from *Martinmas* to *Whitsunday*, during which any such Premises shall be unoccupied or not furnished.

Regulations as to Payment of small Assessments.

XXI. The Commissioners of Supply or the Magistrates, as the Case may be, may, on the Ground of the Poverty of any Person liable in Assessment under this Act in respect of any Lands and Heritages in Value not amounting to Four Pounds *per Annum*, remit, in whole or in part, Payment of the said Assessment by such Person, in such Manner as they shall in their Discretion think just and reasonable, but upon no other Account whatsoever.

Commissioners of Supply may grant Relief from Assessment in Cases of Poverty.

XXII. The County of *Lanark* shall, for Purposes of Assessment under this Act, be divided into Four separate Districts, namely, the Upper Ward, the Lower Ward, the *Airdrie* District of the Middle Ward, as defined in "The *Airdrie* Rural District Police and *Airdrie* District Court Houses Act (1855)", and the *Hamilton* District, comprehending the Remainder of the Middle Ward; and the Court House Assessments under this Act, in respect of the Court Houses and Offices in each of the said Districts, shall be apportioned upon and levied from the landward Part and Burghs within such District only, and shall not affect the other Part of the said County.

County of Lanark to be divided into Four Districts for Assessment under this Act.

XXIII. The whole Powers and Rights of issuing Summary Warrants for Recovery of the Land and Assessed Taxes shall be applicable to the Assessments by this Act authorized to be imposed and levied, and Sheriffs, Magistrates, Justices of the Peace, and other Judges shall grant Warrants for the Recovery of such Assessments in the like Form and under the like Penalties as is provided in regard to such Land and Assessed Taxes and other public Taxes; and all Assessments imposed in virtue of this Act shall, in the Case of Bankruptcy or Insolvency, be paid out of the first Proceeds of the Estate, and shall be preferable to all other Debts of a private Nature due by the Parties assessed.

Mode of recovering Assessments.

XXIV. Any Dispute which may arise between the Commissioners of Supply of any County, or the Magistrates of any Burgh, or any Person or Persons acting under them, respectively, on the one Part, and any Person holding himself aggrieved on the other, relating to any Assessment under this Act which it may not be competent or convenient to try and determine in the Sheriff Small Debt Court, shall be determined in a summary Manner by the Sheriff of the County in which such Dispute shall arise, or of the County in which the

Disputes as to Assessments to be summarily settled.

the Court House is situate in respect of which such Assessment is leviable; and such Sheriff shall, on a written Petition being presented to him by any of the said Parties, appoint them to appear before him, and shall then investigate the Matter in dispute in such Way as he may think proper, and decide the same summarily; and such Decision shall be final, and shall not be subject to Appeal or Review in any Court or by any Process whatsoever.

Clauses of 10 & 11 Vict. c. 16. respecting Mortgages incorporated.

XXV. The Clauses of "The Commissioners Clauses Act, 1847," with respect to the Mortgages to be executed by the Commissioners, are hereby incorporated with this Act; and the Word "Commissioners" in the said Clauses shall mean the Commissioners of Supply of any County in *Scotland*, and the Expression "the Special Act" in the said Clauses shall mean this Act.

Power to borrow on Mortgage.

XXVI. It shall be lawful for the Commissioners of Supply of any County to borrow on Bond or Mortgage, for the Purposes of this Act, any Sum not exceeding the Amount specified in the Account and Certificate herein-before mentioned as the total Expense incurred in the Erection or Improvement of any Court House or Offices, under the Provisions of this Act, and to make and grant Mortgages and Assignations of the Lands and Buildings vested in and acquired or to be acquired and erected by such Commissioners of Supply in virtue of this Act, and the Assessments to be levied under the Provisions thereof, in Security of the Payment of the Money so borrowed and Interest thereon; and if after having borrowed the said Sum or any Part thereof such Commissioners of Supply shall pay off the same, otherwise than by means of the Monies received by them from the Commissioners of Her Majesty's Treasury, under the Provisions of this Act, or by means of the Sinking Fund provided for in the said Commissioners Clauses Act, it shall be lawful for them again to borrow the Amount so paid off, either by granting new Mortgages and Assignations in Security therefor, or otherwise, and so from Time to Time as they shall think proper.

Power to borrow on Cash Credit.

XXVII. It shall be lawful for such Commissioners of Supply, in the course of the Erection of any such Court House as aforesaid, to take from any Bank or Banking Company Credit on a Cash Account, to be opened and kept with such Bank or Banking Company in the Name of such Commissioners of Supply or their Clerk or Treasurer, according to the Usage of Bankers in *Scotland*, to the Extent of the estimated Expense of the Erection of such Court House, as approved by the Commissioners of Her Majesty's Treasury, or any Part thereof, and to make and grant Mortgages and Assignations of the Lands and Buildings vested in and acquired or to be acquired and erected by

by them in virtue of this Act, and the Assessments to be levied under the Provisions thereof, in Security of the Payment of the Amount of such Credit, or of the Sums advanced from Time to Time on such Cash Account, with the Interest thereon.

Monies raised, &c. to be applied to Purposes of this Act.

XXVIII. The whole Monies raised or borrowed under the Authority of this Act shall be applied to the Purposes herein specified, and to no other Purpose whatsoever; and separate and distinct Accounts of all Monies received and Payments made under the Authority of this Act shall be kept, made out, audited, and published in the Manner provided by the Police (*Scotland*) Act, Twentieth and Twenty-first *Victoria*, Chapter Seventy-two; and the Enactments and Provisions contained in Sections Forty to Forty-seven, both inclusive, of the said Act, with respect to the Appointment and Duties of a Collector of Assessments, and the keeping, making out, auditing, and publishing of Accounts, are hereby incorporated with this Act, and shall be applicable to the Assessments authorized to be levied and the Property to be acquired under the Authority of this Act, in the same Manner as if such Enactments and Provisions were herein repeated and re-enacted.

Quorum of Commissioners of Supply.

XXIX. In all Meetings and Proceedings under or with reference to this Act, any Five Commissioners of Supply of any County shall be deemed to be a Quorum, and shall be entitled to exercise all the Powers conferred by this Act; and every Question which may arise at any such Meeting shall be determined by the Votes of the Majority of Commissioners of Supply and Representatives of Burghs present at such Meeting; and where the Votes of those present shall be equal, the Preses of such Meeting shall have a Casting Vote, in addition to his deliberative Vote.

Preses of Meetings.

XXX. In all Meetings of Commissioners of Supply under or with reference to this Act the Convener of the County, or, in the Absence of the Convener, the Person who may be elected by the Commissioners of Supply and Representatives of Burghs present at such Meeting to act as their Preses, shall be the Preses of such Meeting.

Authentication of Documents relating to the Execution of this Act.

XXXI. For the Purposes of this Act, the Signature of the Convener of the County, or of the Preses of any Meeting of Commissioners of Supply of any County, or of the Chairman of any Committee to be appointed for carrying into effect the Purposes of this Act, adhibited to any Writing or Document, shall be equivalent to the Signatures of the whole Commissioners of Supply or of the whole Members of such Committee present at a Meeting thereof respectively; and the

Addition to such Signature of the Word "Convener," "Chairman," or "Preses," shall be good *primâ facie* Evidence that such Signature is the Signature of such Convener, Chairman, or Preses, as the Case may be, and that such Writing or Document is genuine and authentic.

Actions by or against Commissioners of Supply, how to be brought and not to abate.

XXXII. All Actions, Suits, or Proceedings with respect to any Matter or Thing relating to the Execution of this Act, to be brought by or against the Commissioners of Supply of any County, shall be in the Name of the Clerk of Supply, or the Collector to be appointed under the Provisions of this Act, for the Time being, as the Party Pursuer or Defender representing such Commissioners of Supply; and no such Action, Suit, or Proceeding wherein such Commissioners of Supply shall be concerned as Pursuers or Defenders, in the Name of the Clerk of Supply or of such Collector, shall cease or abate by the Death, Resignation, or Removal of any such Clerk of Supply or Collector, or by any Change in such Commissioners of Supply, but the Clerk of Supply or Collector for the Time being shall be deemed to be the Pursuer or Defender, as the Case may be, in every such Action, Suit, or Proceeding.

SCHEDULE referred to in this Act.

Showing the Number of Members to be elected as Representatives of the several Royal and Parliamentary Burghs entitled to elect Representatives under this Act.

Annual Value of Lands and Heritages not less than	Number of Representatives.
£	
300,000	8
200,000	6
100,000	4
50,000	2
20,000	1

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should be regulated as herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Money secured on Heritable Property in Scotland and Scottish Bonds, excluding Executors, to be liable to Inventory Duty.

I. All Money secured on Heritable Property in *Scotland*, and all Money secured by *Scottish* Bonds and other Instruments, excluding Executors, and all Money secured by *Scottish* Bonds and other Instruments the Rights to which shall be taken excluding Executors, constituting the Succession or Part of the Succession of any Person who shall have died on or after the Third Day of *April* in the Year One thousand eight hundred and sixty, shall be liable to Inventory Duty under the said recited Act.

Duty, and Interest thereon, shall be a Debt to Her Majesty, to be payable by Person who shall take Money secured.

II. The said Duty, with Interest thereon at the Rate of Five *per Centum per Annum* from the Expiry of the Period of Six Months after the Death of such deceased Person, shall be a Debt to Her Majesty, and shall be payable by any and every Person who shall take any Money secured as aforesaid, constituting the Succession or Part of the Succession of any Person deceased, and that whether he shall take the same as having a beneficial Interest therein, or as Trustee, or in any other Capacity, and whether he shall have an absolute Right, or only a Liferent or Life Interest, or other limited Right or Interest therein, and whether he shall take the same by Mortis causâ Conveyance, or by special Destination, or by Inheritance.

Stamped special Inventory to be lodged on Oath with the Solicitor of Inland Revenue at Edinburgh.

III. The Person or Persons so taking such Money as aforesaid shall, within Six Months next after taking the same or any Part thereof or any Interest due thereon, lodge with the Solicitor of Inland Revenue at *Edinburgh* a full and true Inventory upon Oath or solemn Affirmation, to be called a "Special Inventory," in the Form of the Schedule annexed hereto, of all Money secured as aforesaid, constituting the Succession or Part of the Succession of such deceased Person, such Special Inventory having thereon a Stamp denoting the Duty payable on the Value of such Money secured as aforesaid contained in such Inventory, being the same Rate and Amount of Duty, whether testate or intestate, as the Case may be, which would have been payable as Inventory Duty on Moveable or Personal Estate of the same Value; and the Oath or Affirmation to the said Special Inventory may be taken before any Magistrate or Justice of the Peace within the United Kingdom or the Colonies, or any *British* Consul; provided that in all Cases the Duty, together with the Interest and necessary Expenses, upon any Money contained

contained in such Inventory, by whomsoever the same may have been originally paid, shall, in the Absence of any special Agreement or Provision or valid Testamentary Direction to the contrary, be ultimately borne by the Person or Persons beneficially interested in such Money, and if there shall be more than One Person so interested the Duty shall be borne by them proportionally according to their several and beneficial Interests in the Money on which the Duty has been so paid.

Money so secured may be added to Inventory of Personal or Moveable Estate.

IV. It shall be lawful for the Executor or Executors of the deceased to add the Amount of Money so secured, and the Value thereof, including the Proceeds accrued thereon, as herein-after mentioned, to the Inventory in *Scotland* of the Deceased's Moveable or Personal Estate, and to pay the Stamp Duty on the aggregate Amount, in which Case no Special Inventory or separate Stamp Duty shall be required from the Person or Persons beneficially entitled to the Money so secured; provided that in this Case the Executor or Executors of the Deceased shall make Oath (or, if so privileged, solemn Affirmation,) of the true Amount and Value of the said Money and Proceeds; and the contingent Provision for Return of Duty, herein-after provided for, in regard to the Debts of the Deceased, shall in such Case be applicable *mutatis mutandis*; and farther, in this Case, the Inventory Duty so paid on the aggregate Amount of the Deceased's Moveable or Personal Estate, and of the said Money and Proceeds, shall, in the Absence of any special Agreement or Provision or valid Testamentary Direction to the contrary, be ultimately borne by the Persons beneficially interested proportionally according to their several and beneficial Interests in the aggregate Amount on which the Stamp Duty shall have been so paid, and with Right of Relief accordingly.

As to Return of Duty on the Ground of Debts.

Duty paid on the aggregate Amount to be ultimately borne by the Parties according to their beneficial Interest.

Property for Payment of Inventory Duty shall be valued at the Date of the Affidavit to the Inventory.

V. The Special Inventory provided by this Act, and the Inventory of the Personal Estate of a Deceased, containing also the Property on which Duty is imposed by the recited Act and this Act, shall be stamped with Duty according to the Value of the Property contained therein at the Time they shall be respectively sworn to, including the Proceeds accrued thereon down to that Time, and the Duty or deficient Duty according to such Value and Proceeds and Interest thereon, at the Rate of Five *per Centum per Annum*, shall be a Debt due to Her Majesty by the Person making Oath to said Inventories; and it is hereby provided, that the Inventory and additional Inventory of any Person deceased required to be exhibited and recorded in the proper Commissary Court in *Scotland* shall be stamped with Duty according to the Value of the Property contained therein at the Time they shall be respectively sworn to, including the Proceeds accrued

accrued thereon down to that Time; and the Duty or deficient Duty according to such Value and Proceeds, and Interest thereon at the Rate of Five *per Centum per Annum*, shall be a Debt to Her Majesty by the Person making Oath to said Inventory and additional Inventory, and his Heirs and Successors; and if such Inventory and additional Inventory shall not be exhibited and recorded, the Inventory Duty on all the Personal or Moveable Estate and Effects of the Deceased, and Interest thereon at the Rate of Five *per Centum per Annum* from the Expiry of the Period of Six Months after the Death of such deceased Person, shall be payable and shall be a Debt to Her Majesty by the Person who shall intromit with or enter upon the Possession and Management of such Personal or Moveable Estate and Effects, or any Part thereof, and his Heirs and Successors.

Power to grant a Return of Duty under Circumstances herein stated.

VI. The Commissioners of Inland Revenue shall grant a Return of the said Duty, corresponding to a rateable Apportionment of the Amount by which the Debts (in respect of which a Claim for Return of Inventory Duty may be competent) shall be proved to the Satisfaction of the said Commissioners to exceed the Personal Estate of the Deceased, between the Amount of the Money contained in the said Special Inventory and all the other Heritable Property of the Deceased; provided such Return shall be claimed within Three Years from the Date of lodging the Special Inventory.

Intromitters, &c. to be held to have taken Money so secured.

VII. Every Person shall for the Purposes of this Act be held to have taken Money secured as aforesaid who shall have received or intromitted with such Money or any Part thereof, or any Interest due thereon, or who shall have made up a Title thereto.

Money secured on Land by absolute Conveyance, and Adjudication, and otherwise, to fall under the Provisions of the Act.

VIII. Money secured upon Heritable Property by Conveyance *ex facie* absolute, and Money secured by Adjudication when the Right of Reversion has not expired, and all Money secured in any other Way upon Heritable Property, shall be subject to the Provisions of the recited Act and this Act: Provided always, that nothing therein and herein contained shall be held to apply to Feu Duties or to other permanent periodical Payments which are made a Real Burden upon Land, where Payment of a Capital Sum of Money is not thereby secured.

Recited Act repealed to a certain Extent.

IX. The said recited Act is hereby repealed, in so far as it provides that in *England* and *Ireland* the said Money shall be deemed Estate and Effects for and in respect of which Probate and Letters of Administration shall be granted, and shall be included in the Affidavit made on applying for Probate or Letters of Administration in *England* and *Ireland*.

SCHE-

SCHEDULE.

SPECIAL Inventory of the Money secured on Heritable Property in Scotland, and Money secured by Scotch Bonds, &c., excluding Executors, belonging to [*Name and Description of Deceased*], who died at on the Day of 18 for Payment of the Duty imposed by the Act 23 & 24 Victoria, Cap. 80.

	£	s.	d.
I. Bond and Disposition in Security dated granted by in favour of the Deceased, over Lands in the County of [*Fife*] [*or* Houses in the City of (*Edinburgh,*) *&c. If Deceased acquired Right by Assignation, &c. describe Title.*]			
II. Interest thereof from the Day of to the Day of			
III. Bond dated , granted by in favour of the Deceased, excluding Executors [*If the Deceased's Right is by Assignation, &c., describe Right*] - - -			
IV. Interest thereon as above - - - -			

At the Day of One thousand eight hundred and , in Presence of Esquire, One of the Magistrates for the City of [*Edinburgh*] [*or* Justice of the Peace, *or* British Consul],

Appeared who, being solemnly sworn and examined, depones, that [*Name and Description of Deceased*] died at on the Day of ; that the Deponent has Right to the above Subjects [*or* Part of the above Subjects, *or* to the Liferent of the above Subjects, *&c.*] as Heir of the Deceased [*or* as Legatee, *or* as One of the Trustees of the Deceased, *&c.*]; that the Deponent knows of no Settlement or other Writing left by the Deceased relative to the Disposal of his Personal Estate or Effects or any Part thereof [*or* that the Deponent does not know of any Settlement or Writing relative to the Disposal of the Deceased's Personal Estate or Effects or any Part thereof, other than a general Disposition and Deed of Settlement dated the Day of registered in the Books of Council and Session on the Day of]; that the foregoing Inventory, each Page of which is signed by the Deponent as relative hereto, is a full and complete special Inventory of all the Money or Property belonging to the Deceased, and Proceeds thereof, liable to the Duty imposed by the Acts 23 Vict. Cap. 15. and 23 & 24 Vict. Cap. 80. [*this Act*], in so far as the same has come to the Deponent's Knowledge; and that the said Property is of the Value of Pounds and under the Value of Pounds. All which is Truth, as the Deponent shall answer to God.

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Act has been extended until the First Day of *August* One thousand eight hundred and fifty-nine, and thenceforth until the End of the then next Session of Parliament: And whereas it is expedient that the said Powers of the said first-mentioned Act should be continued, and that the said Period thereby limited should be extended as herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: The Powers of appointing Commissioners and other Officers limited to continue as aforesaid by the said Act of the Fourteenth and Fifteenth Years of Her Majesty shall be further continued until the First Day of *August* One thousand eight hundred and sixty-one, and thenceforth until the End of the then next Session of Parliament, and the Period limited for the holding of Office under the said Act shall in like Manner be extended until the said First Day of *August* One thousand eight hundred and sixty-one, and thenceforth until the End of the then next Session of Parliament.

Powers of Appointment of Commissioners, &c. under 14 & 15 Vict. c. 53. continued.

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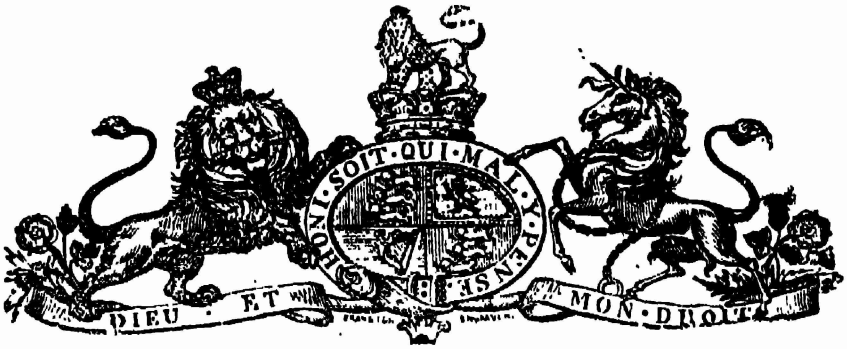

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CAP. LXXXII.

An Act to amend the Provisions of "The Common Law Procedure (*Ireland*) Act Amendment (1853)." [6th *August* 1860.]

WHEREAS it is expedient to amend "The Common Law Procedure Amendment Act, 1853," as herein-after mentioned: Be it therefore enacted, by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: 16 & 17 Vict. c. 113.

I. The Provisions in the said recited Act contained for enabling any of the Superior Courts of Common Law at *Dublin*, or a Judge, to make an Order as to any Stock, Funds, Annuities, or Shares, or Money, or as to the Dividends, Interest, or annual Produce thereof, in which any Judgment Debtor shall have an Estate or Interest, and which shall be standing in the Name of the Court of the Commissioners for the Sale of Incumbered Estates in *Ireland*, as if the same had been standing in the Name of a Trustee for such Judgment Debtor, shall extend and apply to "the Landed Estates Court (*Ireland*)," as fully and effectually as if the Words "the Landed Estates Court (*Ireland*)" were inserted therein instead of the Words "the Court of the Commissioners for the Sale of Incumbered Estates

Provisions of recited Act enabling Judges to make Orders in respect Stock, &c. standing in Name of Incumbered Estates Court, to apply to "the Landed Estates Court Ireland)."

Estates in *Ireland*:" Provided, however, that it shall be lawful for "the Landed Estates Court (*Ireland*)," on the Application of the Judgment Creditor, to make such Order in respect of the same as shall be just.

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Act shall include Court of Chancery in Ireland.

and all Orders made and Approbations already given by the Court of Chancery in *Ireland*, in Cases provided for and contemplated by the said Act, shall be as valid and binding in Law as if the Words "the Court of Chancery in *Ireland*" had been expressly contained in the said Act in all Places where the Words "the Court of Chancery" are mentioned therein.

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As to subsequent Offences.

Justices shall seem reasonable; and if any Person so convicted shall afterwards commit the like Offence it shall be lawful for such Justices to cause such Offender's Name, Place of Abode, and Offence to be published, at the Expense of such Offender, in such Newspaper or in such other Manner as to such Justices shall seem desirable.

Protection against Articles of Food and Drink being tampered with by Purchaser.

II. On the Hearing by the Justices of any Complaint under this Act in any District, County, or Borough wherein any Analyst shall have been appointed, the Purchaser shall prove to the Satisfaction of such Justices that the Seller of the Article of Food or Drink alleged to be adulterated, or his Servants, had such Notice of the Intention of the Purchaser to have such Article analysed, and also such Opportunity of accompanying the Purchaser to an Analyst appointed by this Act, as the Justices shall think reasonable, in order to secure such Article from being tampered with by the Purchaser.

Power to appoint Analysts.

III. In the City of *London* and the Liberties thereof the Commissioners of Sewers of the City of *London* and the Liberties thereof, and in all other Parts of the Metropolis the Vestries and District Boards acting in execution of the Act for the better Local Management of the Metropolis in *England* and *Ireland*, the Court of Quarter Sessions of every County, and the Town Council of every Borough having a separate Court of Quarter Sessions, and in *Scotland* the Commissioners of Supply at their Ordinary Meetings for Counties, and Town Councils within their several Jurisdictions, may, from Time to Time for their respective City, Districts, Counties, or Boroughs, appoint and remove One or more Persons possessing competent medical, chemical, and microscopical Knowledge as Analysts of all Articles of Food and Drink purchased within the said City, Metropolitan Districts, Counties, or Boroughs, and may pay to such Analysts such Salary or Allowances as they may think fit; but such Appointments and Removals shall at all Times be subject in *Great Britain* to the Approval of One of Her Majesty's Principal Secretaries of State, and in *Ireland* to that of the Lord Lieutenant.

Power to Purchasers of Articles of Food and Drink to have them analysed.

IV. Any Purchaser of any Article of Food or Drink in any District, County, City, or Borough where there is any Analyst appointed under this Act shall be entitled, on Payment to the Analyst of a Sum not less than Two Shillings and Sixpence nor more than Ten Shillings and Sixpence, to have any such Article analysed by any Analyst who may be appointed for such District, County, City, or Borough, and to receive from such Analyst a Certificate of the Result of his Analysis, specifying whether in his Opinion such Article is adulterated, and also whether it is so adulterated as to be injurious

injurious to the Health of Persons eating or drinking the same; and such Certificate duly signed by such Analyst shall, in the Absence of any Evidence to the contrary, be sufficient Evidence before the Justices or in any Court of Justice of the Matters therein certified, and the Sum so directed to be paid for such Certificate shall be deemed Part of the Costs.

Certificate of Analyst made Evidence.

V. The Justices before whom any Complaint may be made under this Act may, in their Discretion, cause any Article of Food or Drink to be examined and analysed by such skilled Person as they may appoint for that Purpose, who may be required to give Evidence of the same at the Hearing of the Case; and the Expense thereof, and of such Examination and Analysis, if not paid by the Complainant or Party complained against, shall be deemed Part of the Expenses of executing this Act, but nevertheless such Expense may be ordered by such Justices to be paid by the Party so complaining or complained against, as they shall think proper.

Power to Justices to have Articles of Food and Drink analysed.

VI. Any Person who has been convicted of any Offence punishable by this Act by any Justices may appeal to the next General or Quarter Sessions of the Peace which shall be held for the City, County, Town, or Place wherein such Judgment or Conviction shall have been made, or in the Case of the Conviction having been before a Sheriff Substitute in *Scotland*, then the Appeal shall be to the Sheriff of the County, provided that such Person enter into a Recognizance within Two Days next after such Conviction, with Two sufficient Sureties, conditioned to try such Appeal, and to be forthcoming to abide the Judgment and Determination of the Court at such General or Quarter Sessions, or Sheriff, and to pay such Costs as shall be by such Court awarded; and the Justices before whom such Conviction shall be had are hereby empowered and required to take such Recognizance; and the Court at such General or Quarter Sessions, or Sheriff, are hereby authorized and required to hear and finally determine the Matter of every such Appeal, and may award such Costs to the Party appealing or appealed against as they shall think proper.

Appeal to Quarter Sessions.

VII. If any such Conviction or Judgment or Order of Forfeiture shall happen to be made within Six Days before any General or Quarter Sessions of the Peace shall be held for the City, County, Town, or Place wherein such Conviction shall have been made, the Person who shall think himself aggrieved by any such Conviction may, on entering into a Recognizance in manner and for the Purposes before directed, be at liberty to appeal either to the then next or next following General or Quarter Sessions of the Peace which shall be

Where Conviction within Six Days of Quarter Sessions, Time allowed for Appeal.

be held for any such City, County, Town, or Place wherein any such Conviction shall have been made, on giving Six Days Notice to the Complainant of his Intention to appeal.

Persons convicted of selling adulterated patented Article may have a Case stated for Opinion of Superior Court.

VIII. Any Person who shall have been convicted by any Justices or Sheriff Substitute of any Offence punishable by this Act, in respect of the selling of any Article of Food or Drink which shall have been manufactured according to any Process patented before the passing of this Act, either by the Patentee or Owner of the Patent, or by any Person carrying on his Business or otherwise claiming under him during the Continuance of such Patent, may, instead of appealing to the General or Quarter Sessions of the Peace or Sheriff of the County, apply in Writing within Five Days after such Conviction to the Justices or Sheriff Substitute, to state and sign a Case for the Opinion of One of the Superior Courts of Law thereon, in like Manner as under the Statute of the Twentieth and Twenty-first Years of Her Majesty, Chapter Forty-three, he might have applied to the Justices to state and sign a Case, and thereupon all such Proceedings shall take place upon and in relation to such Application, and all such Provisions shall be applicable thereto as would have taken place upon and in relation thereto, and been applicable thereto, under the Provisions of the said last-mentioned Act; and in *Scotland*, for the Purposes of such Appeal, the Justices or Sheriff Substitute may state and sign a Case for the Opinion of the Court of Session, in like Manner as the Justices in *England* and *Ireland* may, for the Opinion of the Superior Courts of Law under the said Act, and the Court of Session shall have in relation thereto the like Powers as the Superior Courts have under the said Act, and all the other Provisions of the said Act shall be applicable to such Appeals.

Procedure in Cases under this Act.

IX. In *England* the Provisions in the Nuisances Removal Act for *England*, 1855, as to Procedure, and the Provisions of the Act of the Eleventh and Twelfth Years of the Reign of Her present Majesty, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace and of Session within* England *and Wales with respect to summary Convictions and Orders*, and in *Scotland* the ordinary Rules regulating the Procedure of Justices of the Peace, so far as the same are respectively applicable, shall extend and apply to Cases arising under this Act in *England* or *Scotland*;

Application of Monies.

and all Monies arising from Penalties under this Act in any County, City, District, or Borough where there are Analysts appointed under this Act shall, when paid or recovered, be paid in *England* and *Ireland* to the Vestry, District Board, Commissioners, County Treasurer, or Town Council for such County, City, District, or Borough

Borough respectively, to be applied for the general Purposes of such Vestry, District Board, Commissioners, County, City, or Borough respectively, and to the Collector of Rogue Money for each County in *Scotland.*

Proceedings in Ireland as to Complaints, &c. to be subject to Provisions of 14 & 15 Vict. c. 93. and 21 & 22 Vict. c. 100.

X. All Proceedings under this Act in *Ireland* as to compelling the Appearance of any such Person or of any Witness, and as to the Hearing and Determination of such Complaints, and as to the making and executing of such Orders, and as to the Applications of Fines, Amerciaments, and forfeited Recognizances imposed or levied under this Act at Petty Sessions, shall be subject in all respects to the Provisions of "The Petty Sessions (*Ireland*) Act, 1851," as the same is amended by "The Petty Sessions Clerk (*Ireland*) Act, 1858," (when the Case shall be heard in any Petty Sessions District,) and to the Provisions of the Acts relating to the Divisional Police Offices (when the Case shall be heard in the Police District of *Dublin* Metropolis), so far as the said Provisions shall be consistent with any special Provisions of this Act; and when any Fine or Penalty is imposed at any of the Divisional Police Offices of *Dublin* Metropolis, or by the Justices in any Corporate Town, under the Provisions of this Act, such Fines and Penalties shall be paid over to the same Purposes and appropriated and applied in the same Manner as is now by Law authorized in respect of Fines and Penalties imposed at such Divisional Police Offices, or by the Justices in any such Corporate Town respectively.

Appeal to Quarter Sessions.

XI. In *Ireland* any Person who has been convicted of any Offence punishable by this Act may appeal to the next Court of Quarter Sessions to be held in the same Division of the County where the Order shall be made by any Justice or Justices in any Petty Sessions District, or to the Recorder at his next Sessions where the Order shall be made by the Divisional Justices in the Police District of *Dublin* Metropolis, or to the Recorder of any Corporate or Borough Town when the Order shall be made by any Justice or Justices in such Corporate or Borough Town (unless when any such Sessions shall commence within Seven Days from the Date of any such Order, in which Case, if the Appellant sees fit, the Appeal may be made to the next succeeding Sessions to be held for such Division or Town); and it shall be lawful for such Court of Quarter Sessions or Recorder, as the Case may be, to decide such Appeal, if made in such Form and Manner, and with such Notices, as are required by the Petty Sessions Acts respectively herein-before mentioned as to Appeals against Orders made by Justices at Petty Sessions; and all the Provisions of the said Petty Sessions Acts respectively as to making Appeals and as to executing the Orders made on Appeal,

 or

or the original Orders where the Appeals shall not be duly prosecuted, shall also apply to any Appeal or like Order to be made under the Provisions of this Act.

As to Expenses of executing Act.

XII. The Expense of executing this Act shall be borne, in the City of *London* and the Liberties thereof, out of the Consolidated Rates raised by the Commissioners of Sewers of the City of *London* and the Liberties thereof, in the rest of the Metropolis out of any Rates or Funds applicable to the Purposes of the Act for the better Local Management of the Metropolis, and in Counties out of the County Rate, and in Boroughs out of the Borough Fund, or out of the Rogue Money in Counties in *Scotland.*

Indictment or other Remedy not affected.

XIII. Nothing in this Act contained shall be held to affect the Power of proceeding by Indictment, or to take away any other Remedy against any Offender under this Act.

Interpretation of Terms.

XIV. In the Construction of this Act the Words "Articles of Food or Drink" shall (if not inconsistent with the Context or Subject Matter) include not only all alimentary Substances, whether Solids or Liquids, but also all Eatables or Drinkables whatsoever not being Medical Drugs or Articles usually taken or sold as Medicines, but this Act shall not be construed so as to affect the ordinary Reduction of the Strength of Foreign, *British*, or Colonial Spirits by Persons licensed and paying Duties under the Excise.

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CAP. LXXXV.

An Act to amend Two Acts of the Seventeenth and Eighteenth Years, and of the Eighteenth Year, of Her present Majesty, relating to the Registration of Births, Deaths, and Marriages in *Scotland*. [6th *August* 1860.]

WHEREAS it is expedient to alter and amend the Act passed in the Seventeenth and Eighteenth Years of the Reign of Her present Majesty, intituled *An Act to provide for the better Registration of Births, Deaths, and Marriages in* Scotland, and the Act passed in the Eighteenth Year of the same Reign, intituled *An Act to make further Provision for the Registration of Births, Deaths, and Marriages in* Scotland: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

17 & 18 Vict. c. 80.

18 & 19 Vict. c. 29.

I. Sections Eighteen, Nineteen, Forty-two, and Fifty-four of the first-recited Act, and Section One of the second-recited Act, are hereby repealed.

Certain Sections of recited Acts repealed.

Register of Neglected Entries.

II. It shall be competent for any Person on Payment of a Fee of Five Shillings to register in a Book to be kept for the Purpose in the General Registry Office, to be called "The Register of Neglected Entries," any Birth, Death, or Marriage which shall have taken place in *Scotland* between the Thirty-first Day of *December* One thousand eight hundred and the First Day of *January* One thousand eight hundred and fifty-five: Provided always, that in order to such Registration there shall be produced to the Registrar General a Warrant to that Effect by the Sheriff of the County in which such Birth, Death, or Marriage occurred, to be granted upon a Petition, of which Intimation, by Advertisement or otherwise, shall be made as such Sheriff may direct, and after due Inquiry, and hearing any Parties having Interest who may appear to oppose such Petition, and which Warrant, and all written Documents produced to such Sheriff, together with his Notes, which such Sheriff is hereby required to take, of all parole Evidence adduced before him, shall be transmitted to the Registrar General, and shall be retained among the Records of his Office: Provided also, that a Copy of the Entry of any neglected Birth, Death, or Marriage which occurred subsequent to the Year One thousand eight hundred and nineteen shall be made and transmitted from the General Registry Office to the Registrar of the Parish or District in which such neglected Birth, Death, or Marriage occurred, and shall by him be recorded in such Form and Manner as the Registrar General may direct.

Correction of Errors in Registers kept prior to 1st January 1855.

III. If any Error shall be discovered in an Entry relative to a Birth, Death, or Marriage, in any Register kept and in use prior to the passing of the first-recited Act, which shall have taken place in *Scotland* after the Thirty-first Day of *December* One thousand eight hundred, it shall be lawful for the Sheriff of the County wherein the said Register is kept, upon the Application of any Person having Interest, of which Application such Intimation shall be made as the Sheriff may direct, and upon Production of such Evidence, written or parole, as the Sheriff shall deem satisfactory, to authorize the Registrar General (or the Registrar in whose Custody such Register may be at the Time) to correct the same in such Form and Manner as the Sheriff may direct: Provided that no Part of the original Entry shall be obliterated, and that the Warrant of the Sheriff authorizing the Correction and all written Documents produced to him, together with his Notes, which such Sheriff is hereby required to take, of all parole Evidence adduced before him, shall be transmitted to the Registrar General, and shall be retained among the Records of his Office.

IV. The

IV. The Provisions in the Second and Third Sections of the first-recited Act with reference to the Salaries of the Registrar General and the Secretary to the Registrar General are hereby repealed; and it shall be lawful for the Commissioners of Her Majesty's Treasury to pay to the Registrar General such Salary as that the Amount thereof and of the Salary received by him as Depute Clerk Register shall not together exceed the Sum of One thousand Pounds *per Annum*, and to pay to the Secretary to the Registrar General such Salary, not exceeding Five hundred Pounds *per Annum*, as shall from Time to Time be fixed by the said Commissioners, and such Salaries shall be paid out of any Moneys to be voted by Parliament for that Purpose.

Provisions in Sects. 2. and 3. of 17 & 18 Vict. c. 80. repealed with reference to Salaries of Registrar General and Secretary.

V. It shall be lawful for the Sheriff, if he shall think it expedient upon a joint Application of the Parochial Board of any Parish, and of the Town Council of any Burgh situated within such Parish, or upon the Application of the Registrar General, to unite such Burgh or any Portion thereof to any Landward Part of such Parish, or to unite any Landward Part of such Parish to such Burgh or any Portion thereof, and also to regulate and determine any Questions which may arise as to the Assessments to be levied for Registration Purposes upon such Burghs or Portions of Burghs, and upon such Landward Parts of such Parishes respectively, and all Questions as to the Right to elect a Registrar for such united Districts; and it shall also be lawful for the Sheriff to regulate and determine all Questions which may arise as to such Assessment, or such Right of Election, in the Case of all Unions which shall already have been effected under the Provisions of the First Section of the second-recited Act herein-before repealed; and the Decision of the Sheriff in all such Cases shall be final, and not subject to Review in any Court or by any Process whatsoever.

Landward and Burghal Parts of Parishes may be united.

VI. All existing Parochial Registers of Births or Baptisms, Deaths or Burials, and Marriages or Proclamations of Banns, which shall have been kept in every Parish prior to the First Day of *January* One thousand eight hundred and fifty-five, shall, as far as regards such Registers made and entered prior to the Year One thousand eight hundred and twenty, be transmitted, under the Direction of the Sheriff, to the Registrar-General for Preservation in the General Registry Office at *Edinburgh*, and, as far as regards such Registers from the Year One thousand eight hundred and twenty inclusive to the said First Day of *January* One thousand eight hundred and fifty-five, shall be delivered over to the Custody and Care of the Person who shall have been appointed Registrar of the Parish under the first-recited Act; and where any Parish shall

All existing Parochial Registers before 1820 to be transmitted to Registrar General, and after 1820 till 1855 to Parish Registrar.

shall be divided, such last-mentioned Registers shall remain in the Custody of the Registrar of that Portion of the divided Parish wherein such Registers are at the Time of the Division; and the Registrar to whom such Registers shall be so delivered shall, if required by the Registrar General, make or cause to be made exact Inventories and Indexes thereof in so far as such Inventories and Indexes do not already exist, noticing in such Inventories any Blanks or Deficiencies therein or other Matter requiring to be noticed; and an authenticated Copy of each such Inventory, and a general Abstract of each such Index, shall be transmitted by him to the Registrar General for Preservation in the General Registry Office; and the Registers from the Year One thousand eight hundred and twenty to the said First Day of *January* One thousand eight hundred and fifty-five, hereby appointed to remain with the Registrar of the Parish, shall, at the End of Thirty Years after the said First Day of *January*, be transmitted under the Direction of the Sheriff to the Registrar General for Preservation as aforesaid; and all such Registers, and the original Inventories, Indexes, and general Abstracts, and the authenticated Copies thereof, whether in the Custody of the Registrar or Registrar General, may be searched, and certified Copies or Extracts of Entries taken therefrom, at all reasonable Times by any Person upon Payment of the Fees authorized to be taken for the like Searches and Copies made in or taken from the Registers and Indexes appointed to be kept under the first-recited Act: Provided always, that in all Cases it shall be lawful for the Sheriff, if he shall think fit, upon a Representation to that Effect, to direct that the original Burial Registers shall remain in the Custody of the Kirk Session to whom they belong, Copies of the same being furnished to the Registrar General.

Sessional Record to be restored to the Kirk Session of the Parish.

VII. If any of the Parochial Registers referred to shall be found to contain Entries relating to Sessional or other Matters, as well as Entries relating to Births or Baptisms, Deaths or Burials, and Marriages or Proclamations of Banns, such Entries shall be separated from the rest of the Register, under the Direction of the Registrar General, for the Purpose of being bound and delivered over to the Kirk Session of the Parish to which the Register pertains; and where it shall be impossible to effect such Separation in consequence of the Sessional or other Matter being intermixed with the Entries relating to Births or Baptisms, Deaths or Burials, and Marriages or Proclamations of Banns, the whole of the Register shall remain with the Registrar General, or the Registrar of the Parish, as the Case may be: Provided, that it shall be lawful to the Kirk Session or any One acting under its Authority to have Access to and to make Copies of

of such Sessional or other Matter without Payment of Fees: Provided also, that where the Portion falling to be delivered to the Kirk Session shall happen to contain any Entries from which the Occurrence of a Birth or Baptism, Death or Burial, or Marriage or Proclamation of Banns may be proved, it shall be lawful for the Registrar General to cause Copies of such Entries to be made for the Purpose of this and the first-recited Act, and the Cost of making such Copies shall be defrayed in the Manner prescribed by the Fifth Section of the said first-recited Act.

Provision as to Fire-proof Safes and Offices.

VIII. With reference to the Twenty-second Section of the first-recited Act, it shall be lawful for the Sheriff, on the Receipt of a written Application to that Effect from the Registrar General, to direct that a Fire-proof Safe or other Place of Deposit shall be provided in any Parish, District, or Burgh, for the due Custody of the Registers and other Documents connected with Registration, by the Parochial Board, Heritors, or Town Council of the Parish, District, or Burgh to which such Registers pertain; and the Cost of such Safe or other Place of Deposit shall be included under the Assessment authorized to be levied by the Fiftieth Section of the first-recited Act; and further, it shall be lawful for the Parochial Board, Heritors, or Town Council of any Parish, District or Burgh, where they shall consider it expedient, to include under the aforesaid Assessment such Sums as may be required for the Provision and Maintenance of a suitable Office for the Use of the Registrar; provided that such Office shall be situated within such Parish, District, or Burgh.

Provision in Sect. 25. of 17 & 18 Vict. c. 80. as to annual Publication of Lists of Registrars and Assistants repealed.

IX. The latter Portion of the Twenty-fifth Section of the first-recited Act, with reference to the annual Publication by the Sheriff of a List of Registrars and Assistant Registrars, is hereby repealed: Provided that all Elections of Registrars shall be intimated to the Sheriff as well as to the Registrar General, in the Manner prescribed by the Twelfth Section of the first-recited Act, and that due Intimation shall be made by the Sheriff of all newly appointed Registrars in such Form as he may consider expedient.

Register of Births, Deaths, and Marriages of Scottish Subjects occurring in Foreign Countries.

X. The Birth of any Child of *Scottish* Parents, or the Death or Marriage of any *Scottish* Subject, which shall have taken place in any Foreign Country since the passing of the first-recited Act, if intimated to the Registrar General within Twelve Months after the passing of this Act, and the Birth of any Child of *Scottish* Parents, or the Death or Marriage of any *Scottish* Subject, which shall take place in any Foreign Country, if intimated to the Registrar General within Twelve Months after the Date thereof, in accordance, as near as may be, with the Forms prescribed in Schedules (A.), (B.), and

(C.) respectively to the first-recited Act annexed, and duly certified by the British Consul of the Country or District within which such Birth, Death, or Marriage shall have taken place, shall be entered in a Book to be kept for the Purpose in the General Registry Office, to be called "The Foreign Register;" and all such Intimations shall be filed, and the relative Entries verified by the Signature of the Registrar General.

Provision in Sect. 31. of 17 & 18 Vict. c. 80. as to the Signature of the Register by the Sheriff repealed.

XI. So much of the Thirty-first Section of the first-recited Act as requires the Signature of the Sheriff in the Register of Births, in the Cases therein referred to, is hereby repealed; and in lieu thereof the Signature of the District Examiner, appointed under the Provisions of the Third Section of the second-recited Act, shall be sufficient: Provided always, that in all such Cases, before the Examiner adhibits his Signature to the Register, the Registrar shall produce the written Authority of the Sheriff for making the Registration, which shall be transmitted along with the Duplicate Registers to the Registrar General: Provided also, that the Entry of any Birth, which shall have been registered upwards of Three Months after its Occurrence, if signed by such Examiner, shall be admissible in Evidence to prove such Birth, anything in the said Section to the contrary notwithstanding.

Mode of reckoning the Period of "Six Months" referred to in Sects. 32. and 33. of 17 & 18 Vict. c. 80.

XII. Whereas Doubts have arisen as to the Mode of reckoning the Period of "Six Months," referred to in the Thirty-second and Thirty-third Sections of the first-recited Act: It is hereby declared, That unless a Certificate, in the Form of Schedules (D.) or (E.) to the said Act annexed, is presented to the Registrar within Six Months after the Registration of the Birth to which such Certificate relates, it shall not be lawful for the Registrar to record the Baptismal or other Name, without the written Authority of the Sheriff endorsed upon such Certificate.

Additions and Alterations to be inserted in the Register of Corrected Entries.

XIII. The Additions and Alterations directed and authorized by the recited Acts to be made in the Duplicate Registers, instead of being given Effect to in the Manner therein prescribed, shall be inserted in the Register of Corrected Entries, referred to in the Sixty-third Section of the first-recited Act, in such Form and Manner as the Registrar General may direct.

Medical Attendant to transmit Certificate of Death to the Registrar within Seven Days.

XIV. The Medical Certificate referred to in the Forty-first Section of the first-recited Act shall be transmitted by the Medical Person to the Registrar within Seven Days after the Death of the Person to whom it relates, instead of within Fourteen Days thereafter: Provided that in case such Certificate shall not be so transmitted, the Registrar shall

shall transmit to such Medical Person a Form of the Certificate prescribed by the said Act, and by a written or printed Requisition, under his Hand, shall require such Medical Person forthwith to return to the Registrar such Certificate duly filled up in Terms of the said Act; and such Certificate so filled up shall be so returned within Three Days after the Receipt thereof by such Medical Person.

Provisions in Sects. 46. and 52. of 17 & 18 Vict. c. 80. as to Schedule (C.) repealed.

XV. So much of the Forty-sixth Section of the first-recited Act as provides for a Copy of Schedule (C.) to the said Act annexed being given out along with the Certificate of Proclamation of Banns, and so much of the Fifty-second Section of the said Act as requires the Registrars to furnish Copies of the said Schedule to Session Clerks, are hereby repealed: Provided that in every Case of regular Marriage a Copy of the said Schedule shall, upon Production of the Certificate of Proclamation of Banns, be procured by the Parties contracting the Marriage, previous to its Solemnization, from the Registrar of the Parish or District within which such Marriage is intended to be solemnized, who shall be bound, as far as possible, to fill up the said Schedule.

Alteration of Sect. 50. of 17 & 18 Vict. c. 80. as to Verification of Registrar's Accounts of Registrations.

XVI. So much of the Fiftieth Section of the first-recited Act as requires the Examination and Verification by the Sheriff of the Registrar's half-yearly Accounts of Registrations is hereby repealed; and in lieu thereof it shall be lawful for the Parochial Board or Heritors by whom the relative Assessment is levied, to take such Proceedings as may be deemed expedient for the Purpose of ascertaining the Correctness of such Accounts.

Provision as to Payment of Registrar's Postages, &c.

XVII. It shall be lawful for the Registrar to include in his half-yearly Accounts of Registrations the Expense attending the Postage or Carriage of all Letters or Packets, and all other necessary Disbursements relating exclusively to the Execution of his Office, and for all such Expenses he shall be repaid out of the Assessment authorized to be levied by the Fiftieth Section of the first-recited Act; and the necessary Expense incurred in the Correction of an Error under the Provisions of the Sixty-third Section of the first-recited Act, where such Expenses are not paid by the Party or Parties through whose Fault such Error was committed, and where such Error was not committed through the Registrar's own Carelessness, shall be defrayed by the Parochial Board, and shall be included under the aforesaid Assessment: Provided that it shall be lawful for the Parochial Board to recover such Expenses from the Party or Parties through whose Fault the said Error was committed: Provided also, that where any Search or Extract shall be required by or on behalf of a Pauper, the Registrar shall be entitled to include the Cost thereof in the Account which

which he is required to render to the Parochial Board under the Fiftieth Section of the Act first before recited.

As to Remuneration of Registrar.

XVIII. If any Registrar shall represent to the Registrar General that his Remuneration under the Provisions of the Fiftieth Section of the first-recited Act is inadequate, the Registrar General may require the Parochial Board to increase the Sum payable to the Registrar to such Amount as the Registrar General considers necessary; and in the event of the Parochial Board delaying or refusing to pay such increased Remuneration, it shall be lawful for the Registrar General to make a summary Application to the Sheriff, who shall, after hearing Parties and making such Inquiry as he thinks fit, determine both the Expediency of any such Increase, and the Amount thereof; and all Expenses incurred in and with respect to such Application shall be paid by the Parochial Board, or the Registrar, as the Sheriff may determine; and the Decision of the Sheriff in all such Applications, both on the Merits and as to Expenses, shall be final and not subject to Review in any Court or by any Process whatsoever.

Clerical Errors in the Duplicate Registers may be corrected by the District Examiners.

XIX. It shall be lawful for the District Examiners, appointed under the Provisions of the second-recited Act, to correct all such clerical Errors as may be discovered at the periodical Examination of the Duplicate Registers, subject to such Rules and Regulations as may be made by the Registrar General, with the Approbation of One of Her Majesty's Principal Secretaries of State.

Commencement of Act.

XX. This Act shall commence and take effect from and after the passing thereof, with the Exception of Sections Eleven, Thirteen, and Nineteen, and so much of Section One as provides for the Repeal of Sections Forty-two and Fifty-four of the first-recited Act, which shall not take effect till the First Day of *January* One thousand eight hundred and sixty-one; and the recited Acts, excepting in so far as altered by this Act, shall remain in full Force and Effect; and this Act shall be deemed a Part of the recited Acts, and shall be read and construed therewith as if the Three Acts formed One Act.

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ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

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CAP. LXXXVI.

An Act to make Provision respecting the Marriages of *British* Subjects in the *Ionian Islands.* [6th *August* 1860.]

WHEREAS it is expedient to make Provision respecting Marriages which have been or may hereafter be contracted by Subjects of Her Majesty in the *Ionian Islands:* Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Marriages already contracted in the Ionian Islands to be valid.

I. All Marriages between Subjects of Her Majesty, or to which any such Subject shall be Party, contracted in the said Islands before the passing of this Act, under Authority of any Warrant, Licence, or other written Permission of the Lord High Commissioner of the said Islands, at whatever Hour, in whatever Place, or by whatever Ceremony the same may have been solemnized, shall be deemed to be as valid in Law, and cognizable in like Manner, as if the same had been solemnized within Her Majesty's Dominions with a due Observance of all Forms required by the Law: Provided always, that this Enactment shall not extend to render valid any Marriage which before the passing of this Act has been declared invalid by any Court of competent Jurisdiction, or any Right dependent on the Validity or Invalidity thereof, or any Marriage where either of the

Parties has afterwards during the Life of the other lawfully intermarried with any other Person.

Mode of contracting Marriages.

II. All Marriages between Subjects of Her Majesty, or to which such Subjects shall be Party, which shall be contracted in the said Islands after the passing of this Act, under Authority of any Licence granted by the said Lord High Commissioner, or by any Officer authorized by him to grant such Licences, shall be deemed to be valid and cognizable as aforesaid, provided the same shall have been solemnized in manner herein-after mentioned; that is to say,

(1.) Every such Marriage shall be solemnized, with open Doors, in the Place specified in such Licence, being either some Christian Place of Worship, or the Palace of the Lord High Commissioner at *Corfu*, or the Residence of the Resident of the Lord High Commissioner in any other of the said Islands.

(2.) Every such Marriage shall be solemnized between the Hours and within the Period specified in such Licence, and in the Presence of Two or more Witnesses, and of the officiating Minister, or, if there be no officiating Minister, of the Secretary of the Lord High Commissioner, or of such Resident as aforesaid:

(3.) The Ceremony of Marriage, if solemnized in any Christian Place of Worship, shall be such as may be required or permitted by the Persons entitled to regulate the Use of the said Place of Worship; and, if solemnized in any other Place, may be such as the Parties thereto may think fit to adopt; provided only, that if such Marriage shall not be solemnized according to the Rites of the United Churches of *England* and *Ireland*, then, in some Part of the Ceremony, and in the Presence of the Two Witnesses, and, as the Case may be, of the said Secretary or Resident or officiating Minister, each of the Parties shall make the following Declaration:

"I do solemnly declare that I know not of any lawful Impediment why I, *A. B.*, may not be joined in lawful Matrimony to *C.D.*":

And shall say to each other—

"I call upon these Persons here present to witness that I, *A. B.*, do take thee, *C.D.*, to be my lawful wedded Wife [*or* Husband]."

Certificate of Marriage to be signed in Presence of Two Witnesses.

III. Immediately after the Solemnization of any Marriage under the Provisions of this Act, a Certificate of the same shall, in the Presence of the Two Witnesses, be signed in triplicate by the Parties thereto, and, as the Case may be, by the said officiating Minister, Secretary, or Resident; and One Copy of such Certificate shall be delivered to the Parties to the Marriage, and the other Copies shall be transmitted to the Lord High Commissioner, and shall be registered in such Manner as he shall appoint; and a Copy of such Registry, purporting to be certified under the Hand and official Seal of the said Secretary, shall be received as Evidence in the Law of the Marriage

Marriage to which it relates, without its being necessary for any Person signing such Copy or Registry to attend in Person to prove the same.

Entries of Marriages to be reported to Registrar-General.

IV. In the Month of *January* in every Year the said Lord High Commissioner, or any Officer authorized by him, shall make and transmit, to One of Her Majesty's Principal Secretaries of State, to be transmitted by him to the Registrar-General, a true Copy, certified under the Hand of the Lord High Commissioner or that of the Officer authorized by him, of all the Entries of Marriages during the preceding Year in the Register Book kept by the said Lord High Commissioner; and if there shall have been no Marriage registered during the preceding Year, the Lord High Commissioner, or such authorized Officer, shall transmit a Certificate of such Fact to Her Majesty's Secretary of State, to be transmitted by him to the Registrar-General.

Copies to be kept by Registrar General, who shall allow Searches to be made, and give certified Copies.

V. The Registrar-General shall cause Indexes of all the said certified Copies of Marriage Registers to be made and kept in the General Register Office; and every Person shall be entitled, on Payment of the Fees herein-after mentioned, to search the said Indexes between the Hours of Ten in the Morning and Four in the Afternoon of every Day except *Sundays*, *Christmas Day*, and *Good Friday*, and to have a certified Copy of any Entry in the said certified Copies of the Registers; and for every Search of the said Indexes shall be paid the Sum of One Shilling, and, for every such certified Copy the Sum of Two Shillings and Sixpence, and no more, shall be paid to the Registrar-General, or such other Officer as shall be appointed for that Purpose on his account, in addition to the Stamp Duty of One Penny imposed by an Act of the present Session, Chapter Fifteen.

Such Copies to be Evidence.

VI. The Registrar-General shall cause to be sealed or stamped, with the Seal of the General Register Office, all such certified Copies of Marriage Entries given in the said Office; and all certified Copies of Entries purporting to be sealed or stamped with the Seal of the said Register Office shall be received as Evidence of the Marriage to which the same relates, without any further or other Proof of such Entry; and no certified Copy, purporting to be given in the said Office, shall be of any Force or Effect which is not sealed or stamped as aforesaid.

Lord High Commissioner may make Regulations as to Forms of Licence and Certificate, &c.

VII. The Lord High Commissioner may, by Writing under his Hand and Seal, to be promulgated in such Manner as he shall think fit, make Regulations respecting the Form of the Licence and Certificate herein-before mentioned, and respecting the Conditions of issuing the said Licence, and respecting the Fees payable on the issuing of such Licence, and on the Solemnization of any Marriage and respecting the Disposal of such Fees, and respecting the Registration of such Marriages according to the Laws of the *Ionian Islands*, and respecting all other Matters requisite for carrying into Execution

Execution the Provisions of this Act; provided that no Marriage shall be deemed to be invalid in consequence of the Infraction or Non-observance of such Regulations.

As to Marriages procured by false Notices, Declarations, &c. Penalty.

VIII. If any Marriage shall be had under the Provisions of this Act by means of any wilfully false Notice, Oath, Affirmation, or Declaration made by either Party to such Marriage as to any Matter to which a Notice, Oath, Affirmation, or Declaration is required by this Act, or by any such Regulations as aforesaid, it shall be lawful for Her Majesty's Attorney General or Solicitor General to sue for the Forfeiture of all Estate and Interest in any Property accruing to the offending Party by such Marriage, and the Proceedings thereupon and the Consequences thereof shall be the same as are provided by Law in the like Case with regard to Marriages solemnized by Licence in *England* according to the Rites of the Church of *England*.

False Notice, &c. punishable as Perjury.

IX. Any Person who, for the Purpose of procuring, preventing, or delaying any Marriage, shall knowingly and wilfully make or sign any false Oath, Affirmation, Declaration, or Notice authorized or required by this Act, or by any such Regulations as aforesaid, shall suffer the Penalties of Perjury, and such Offender may be tried in any County or Place in the United Kingdom, in the same Manner, and be dealt with in all respects, as if the Offence had been committed in such County or Place.

Evidence.

X. In any and every Action or Suit for Forfeiture, and upon every or any Prosecution for Perjury as aforesaid, the Declaration or Certificate of the Lord High Commissioner, or of his Secretary, or of any such Resident as aforesaid, under their respective Hands and official Seals, shall be received as Evidence in the Law of all Facts and Matters stated in such Declaration or Certificate, without its being necessary for such Lord High Commissioner, Secretary, or Resident to attend in person to prove the same.

Act not to invalidate Marriages otherwise lawful.

XI. Nothing herein contained shall be construed to render invalid any Marriage heretofore or hereafter solemnized within the said Islands which Marriage was or shall be valid according to the Laws of the said Islands.

Interpretation of certain Terms.

XII. The Terms "Lord High Commissioner," "Resident of the Lord High Commissioner," and "Secretary of the Lord High Commissioner," shall include respectively any Person lawfully acting in any of such Capacities.

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ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

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Senior Member of Council (India).

During Absence of Governor-General, or any President appointed by him, the Senior Member present to preside and act.

I. Whenever a President of the Council of the Governor-General of *India* appointed by the said Governor-General under the Provisions of the said Act of the Third and Fourth Years of King *William* the Fourth is from Indisposition or other Cause absent from any Meeting of the Council (the Governor-General also continuing absent therefrom), it is and shall be deemed to have been lawful for the Senior Member of the Council who is present at such Meeting to preside at the Council, and to exercise the Powers and Authorities which during the Absence of the Governor-General he is competent to exercise under the Provisions of the said Act of the Thirty-ninth and Fortieth Years of King *George* the Third where no such President is appointed.

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ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

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of the Superannuation Act aforesaid, and such Allowance shall be paid out of the Revenues of *India* and out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, or out of Monies voted by Parliament, in such Portions respectively as shall have been earned by such Person in the respective Services aforesaid.

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VICTORIÆ REGINÆ.

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CAP. XC.

An Act to repeal the Duties on Game Certificates and Certificates to deal in Game, and to impose in lieu thereof Duties on Excise Licences and Certificates for the like Purposes.

[13th *August* 1860.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. From and after the passing of this Act the respective Duties of Assessed Taxes now payable under the several Acts of Parliament in that Behalf in respect of Certificates to kill Game in *Great Britain*, and to deal in Game in *England*, and all the Provisions, Rules, and Directions for assessing, charging, and collecting any of the said Duties contained in Schedule (L.) of the Act passed in the Fifty-second Year of King *George* the Third, Chapter Ninety-three, and also the Duties now payable in *Ireland* under the Act passed in the Fifty-sixth Year of King *George* the Third, Chapter Fifty-six, in respect of every Certificate of having registered a Deputation as a Gamekeeper, and in respect of every Certificate to authorize any Person,

After passing of this Act the Duties in respect of Certificates to kill and deal in Game as contained in 52 G. 3. c. 93., Sched. (L.), 56 G. 3. c. 56., and 1 & 2 W. 4. c. 32. repealed.

Person, not being a Gamekeeper, to kill Game in *Ireland*, and also the Nineteenth and Twentieth Sections of the Act passed in the First and Second Years of King *William* the Fourth, Chapter Thirty-two, shall respectively cease and determine, and the same are hereby repealed, except as to any Arrears of the said Duties respectively, and as to any Penalties incurred before the Commencement of this Act.

In lieu of Duties repealed, the Duties herein-named to be levied.

II. In lieu of the Duties hereby repealed there shall be granted, charged, and paid for and upon the several Licences and Certificates to take or kill Game, and Licences to deal in Game herein-after mentioned, the respective Duties or Sums of Money herein-after expressed or denoted; (that is to say,)

	£	s.	d.
For a Licence in *Great Britain* or a Certificate in Ireland to be taken out by every Person who shall use any Dog, Gun, Net, or other Engine for the Purpose of taking or killing any Game whatever, or any Woodcock, Snipe, Quail, or Landrail, or any Conies, or any Deer, or shall take or kill by any Means whatever or shall assist in any Manner in the taking or killing by any Means whatever of any Game, or any Woodcock, Snipe, Quail, or Landrail, or any Coney, or any Deer:			
If such Licence or Certificate shall be taken out after the Fifth Day of *April* and before the First Day of *November*,			
To expire on the Fifth Day of *April* in the following Year - - - - -	3	0	0
To expire on the Thirty-first Day of *October* in the same Year in which the Licence or Certificate shall be taken out - - -	2	0	0
If such Licence or Certificate shall be taken out on or after the First Day of *November*,			
To expire on the Fifth Day of *April* following	2	0	0
Provided always, That any Person having the Right to kill Game on any Lands in *England* or *Scotland* shall be entitled to take out a Licence to authorize any Servant for whom he shall be chargeable to the Duty of Assessed Taxes as a Gamekeeper, to kill Game upon the same Lands, upon Payment of the Duty of - - - - - - -	2	0	0
And for every Licence to deal in Game in *England*, *Scotland*, or *Ireland*, to be granted under this Act	2	0	0

III. The

Game Certificates, &c.

III. The Duties by this Act granted shall be under the Management of the Commissioners of Inland Revenue, and shall be deemed to be Excise Duties, and all the Powers, Provisions, Clauses, Regulations, and Directions contained in any Act relating to Excise Duties or to Penalties under Excise Acts, and now or hereafter in force, shall respectively be of full Force and Effect with respect to the Duties by this Act granted, and to the Penalties hereby imposed, so far as the same are or may be applicable, and shall be observed, applied, and enforced for and in the collecting, securing, and recovering of the said Duties and Penalties hereby granted and imposed respectively, and otherwise in relation thereto, so far as the same shall be consistent with and not superseded by the express Provisions of this Act, as fully and effectually as if the same had been herein repeated and specially enacted in this Act with reference to the said last-mentioned Duties and Penalties respectively.

Duties granted to be Excise Duties under the Commissioners of Inland Revenue.

IV. Every Person before he shall in *Great Britain* take, kill, or pursue, or aid or assist in any Manner in the taking, killing, or pursuing by any Means whatever, or use any Dog, Gun, Net, or other Engine for the Purpose of taking, killing, or pursuing any Game, or any Woodcock, Snipe, Quail, or Landrail, or any Coney, or any Deer, shall take out a proper Licence to kill Game under this Act, and pay the Duty hereby made payable thereon; and if any Person shall do any such Act as herein-before mentioned in *Great Britain* without having duly taken out and having in force such Licence as aforesaid, he shall forfeit the Sum of Twenty Pounds.

Licence to be taken out for taking or killing Game in Great Britain.

Penalty for Neglect.

V. The following Exceptions and Exemptions from the Duties and Provisions of this Act are hereby made and granted; (that is to say,)

Exceptions and Exemptions.

Exceptions.

1. The taking of Woodcocks and Snipes with Nets or Springes in *Great Britain*.
2. The taking or destroying of Conies in *Great Britain* by the Proprietor of any Warren or of any inclosed Ground whatever, or by the Tenant of Lands, either by himself or by his Direction or Permission.
3. The pursuing and killing of Hares respectively by coursing with Greyhounds, or by hunting with Beagles or other Hounds.
4. The pursuing and killing of Deer by hunting with Hounds.
5. The taking and killing of Deer in any inclosed Lands by the Owner or Occupier of such Lands, or by his Direction or Permission.

Exemptions.

Game Certificates, &c.

Exemptions.

1. Any of the Royal Family.
2. Any Person appointed a Gamekeeper on behalf of Her Majesty by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, under the Authority of any Act of Parliament relating to the Land Revenues of the Crown.
3. Any Person aiding or assisting in the taking or killing of any Game, or any Woodcock, Snipe, Quail, Landrail, or Coney, or any Deer, in the Company or Presence and for the Use of another Person who shall have duly obtained, according to the Directions of this Act, and in his own Right, a Licence to kill Game, and who shall by virtue of such Licence then and there use his own Dog, Gun, Net, or other Engine for the taking or killing of such Game, Woodcock, Snipe, Quail, Landrail, Coney, or Deer, and who shall not act therein by virtue of any Deputation or Appointment.
4. And, as regards the killing of Hares only, all Persons who, under the Provisions of the Two several Acts, 11th and 12th *Victoria*, Chapter 29. and Chapter 30. respectively, are authorized to kill Hares in *England* and *Scotland* respectively, without obtaining an annual Game Certificate.

Nothing herein to alter 11 & 12 Vict. cc. 29. and 30., except that "Game Certificate" in said Acts, and also in 1 & 2 W. 4. c. 32., shall be read as "Licence to kill Game."

VI. Provided always, That nothing herein contained shall extend to repeal, alter, or affect any of the Provisions of the said Two several Acts of the Eleventh and Twelfth Years of Her Majesty, Chapter Twenty-nine and Chapter Thirty, further than that the Term "Game Certificate" in the said Acts respectively used shall be construed to mean a Licence to kill Game under the Provisions of this Act, and shall be so read accordingly; and that the Term "Game Certificate" used in the Act of the First and Second Years of King *William* the Fourth, Chapter Thirty-two, shall be construed and read in like Manner; and that wherever in the said last-mentioned Act the Duty of Three Pounds Thirteen Shillings and Sixpence on a Game Certificate is mentioned the Duty of Three Pounds on a Licence to kill Game shall be read in lieu.

Licences may be taken out on behalf of Assessed Servants acting as Gamekeepers for Persons having Right to kill Game,

VII. Any Person having the Right to kill Game on any Lands in *England* or *Scotland*, and being charged or liable to be charged to the Assessed Tax on Servants in respect of any Gamekeeper, by whomsoever deputed or appointed, and whether deputed or appointed or not, and any Person granting a Deputation or Appointment in *Great Britain* to the Servant of any other Person who shall be duly charged to the Assessed Tax on Servants in respect of such Servant, whether as Gamekeeper or in any other Capacity, with Power and Authority

to

to take or kill any Game, shall respectively be at liberty to take out a Licence to kill Game on behalf of any such Servant, on Payment of the Duty of Two Pounds for the Year ending on the Fifth Day of *April*, and such Licence shall exempt the Servant named therein during his Continuance in the same Capacity and Service, and on his quitting such Service shall also exempt any Servant who shall succeed him in the same Service and Capacity, or who shall succeed to the Deputation of the same Manor or Royalty or Lands within the Year for which the Licence is granted, during the Remainder of such Year; and no such Servant on whose behalf a Licence shall have been duly obtained as aforesaid shall be required to obtain a Licence for himself, or be liable to any Penalty by reason of not obtaining a Licence in his own Name.

or under Deputations from Lords of Manors.

VIII. Every such Licence to kill Game taken out on behalf of any such Servant as aforesaid shall, upon the Revocation of any such Deputation or Appointment, or on his quitting the Service of the Master by whom such Licence shall have been taken out, be from thenceforth of no further Effect as to the Person named therein as such Servant, or so deputed or appointed as aforesaid; but if within the Year for which such Licence was granted the said Master, on the quitting of such Servant, shall employ another Servant as Gamekeeper in his Stead, or the Person by whom such Deputation or Appointment was made shall on the Revocation thereof make a new Deputation or Appointment to any Person in his Service, or in the Service of the same Master by whom such Licence shall have been taken out, and who shall have been charged or be chargeable to the said Assessed Tax on Servants as aforesaid, the Officer by whom such Licence was granted, or the proper Officer appointed by the Commissioners in that Behalf, shall renew such Licence for the Remainder of that Year, on behalf of the fresh Servant or the Person so newly appointed, as the Case may be, without Payment of any further Duty, by indorsing on such Licence the Name and Place of Abode of the said last-mentioned Servant, or the Person to whom such last-mentioned Deputation or Appointment shall have been granted, and declaring the same to be a renewed Licence free of Duty.

On Change of Gamekeeper, or Revocation of Deputation, Licence may be continued to Successor.

IX. Provided always, That no such Licence taken out for or on behalf of any Person, being such Servant or acting under a Deputation or Appointment as aforesaid, shall be available for such Person in any Suit or Prosecution where Proof shall be given of his doing or having done any Act for which a Licence is required under this Act on Land on which his Master had not a Right to kill Game.

Such Licences not available for Acts done out of Limits of the Manor or Lands for which the Parties are appointed Gamekeepers.

Persons doing any Act requiring a Licence to kill Game, to produce the same, on Demand, or declare their Names, Places of Residence, &c.

X. If any Person shall be discovered doing any Act whatever in *Great Britain* in respect whereof a Licence to kill Game is required under this Act, by any Officer of Inland Revenue, or by any Lord or Gamekeeper of the Manor, Royalty, or Lands wherein such Person shall then be, or by any Person having duly taken out a proper Licence to kill Game under this Act, or by the Owner, Landlord, Lessee, or Occupier of the Land on which such Person shall then be, it shall be lawful for such Officer or other Person aforesaid to demand and require from the Person so acting the Production of a Licence to kill Game issued to him; and the Person so acting is hereby required to produce such Licence to the Person so demanding the Production thereof, and to permit him to read the same, and (if he shall think fit) to take a Copy thereof or of any Part thereof; or in case no such Licence shall be produced to the Person demanding the same as aforesaid, then it shall be lawful for the Person having made such Demand to require the Person so acting forthwith to declare to him his Christian and Surname and Place of Residence, and the Place at which he shall have taken out such Licence; and if such Person shall, after such Demand made, wilfully refuse to produce and show a Licence to kill Game issued to him, or in default thereof as aforesaid to give to the Person so demanding the same his Christian and Surname and Place of Residence, and the Place at which he shall have taken out such Licence, or if he shall produce any false or fictitious Licence, or give any false or fictitious Name or Place, or if he shall refuse to permit any Licence which he may produce to be read, or a Copy thereof or of any Part thereof to be taken, he shall forfeit the Sum of Twenty Pounds.

Penalty for Refusal.

Licence to be void if Party be convicted of any Offence under 1 & 2 W. 4. c. 32. or 2 & 3 W. 4. c. 68.

XI. If any Person, having obtained a Licence to kill Game under this Act, shall be convicted of any Offence under Section Thirty of the said Act of the First and Second Years of King *William* the Fourth, Chapter Thirty-two, or under the Act of the Second and Third Years of King *William* the Fourth, Chapter Sixty-eight, the said Licence shall thenceforth be null and void.

Commissioners to publish Lists of Persons licensed to kill Game.

XII. The Commissioners of Inland Revenue shall, when and as they shall see fit, cause Lists of the Names and Residences of the several Persons to or for whom Licences to kill Game have been granted under this Act to be inserted in such Newspapers or published in such other Manner as to them shall seem proper, distinguishing in such Lists the Persons acting under any Deputation, Appointment, or Authority from others, and the Manors, Royalties, or Lands for which Deputations, Appointments, or Authorities have been granted, and also distinguishing the Rate of Duty paid for such Licences.

XIII. All

XIII. All the Clauses and Provisions of the Two several Acts passed respectively in the First and Second Years of King *William* the Fourth, Chapter Thirty-two, and the Second and Third Years of Her present Majesty, Chapter Thirty-five, relating to the granting of Licences by Justices of the Peace to deal in Game, and to the holding of Special Sessions by such Justices in their respective Divisions or Districts for the Purpose of granting such Licences, and also all the Clauses, Provisions, and Penalties contained in the said Acts or either of them relating to Dealers in Game, and to the selling of Game, either by or to such Dealers or others, shall, so far as the same are consistent with the express Provisions of this Act, and as the same are altered or amended by this Act, extend to and be of full Force and Effect in and throughout the whole of the United Kingdom, and shall be observed, applied, and enforced as if the same, so altered or amended and made consistent with the express Provisions of this Act, had been herein repeated and specially enacted: Provided always, that no Person shall be authorized to sell Game to any licensed Dealer unless he shall have taken out a Three Pound Licence under this Act.

Provisions of 1 & 2 W. 4. c. 32. and 2 & 3 Vict. c. 35., relating to Licences to deal in Game to be in force throughout the United Kingdom.

XIV. Every Person who shall have obtained any Licence to deal in Game from the Justices of the Peace, under the Provisions of the said Two several Acts in the preceding Clause mentioned, shall annually, and during the Continuance of such Licence, and before he shall be empowered to deal in Game under such Licence, obtain a further Licence to deal in Game under this Act, on Payment of the Duty hereby charged thereon, and if any Person obtaining a Licence from the said Justices as aforesaid shall purchase or sell or otherwise deal in Game before he shall obtain a Licence to deal in Game under the Provisions of this Act, he shall forfeit the Sum of Twenty Pounds.

Persons licensed by the Justices to deal in Game, to pay for and obtain a Licence under this Act.

XV. Provided always, That no Licence to deal in Game shall be granted under the Provisions of this Act to any Person, except upon the Production of a Licence for the like Purpose duly granted to him by the Justices of the Peace, as aforesaid, and then in force; and every Officer appointed or authorized to grant Licences to deal in Game under this Act shall in each Year make out a List, to be kept in his Possession, containing the Name and Place of Abode of every Person to whom he shall have granted or issued a Licence to deal in Game under this Act, and such Officer shall at all seasonable Hours produce such List to any Person making Application to inspect the same, and shall be entitled to demand and receive for such Inspection the Sum of One Shilling.

Licences to deal in Game under this Act to be granted only to those who have obtained Licences from the Justices.

List of Persons licensed to be kept for Inspection.

XVI. All

By whom Licences shall be granted, and Form thereof.

XVI. All Licences and Certificates to kill Game and to deal in Game respectively, under the Provisions of this Act, shall be in such Form as the Commissioners of Inland Revenue shall from Time to Time provide in that Behalf, and shall denote the Amount of Duty charged thereon respectively, and shall be granted, signed, and issued at the Chief Office of Inland Revenue in *London*, *Edinburgh*, and *Dublin* respectively, and by the several Supervisors of Excise in their respective Districts, or by such other Officers of Inland Revenue and at such Places as the said Commissioners shall think fit to employ and appoint respectively in that Behalf; and every such Licence shall contain the proper Christian and Surname and Place of Residence of the Person to whom the same shall be granted, with any other Particulars which the Commissioners of Inland Revenue may direct to be inserted therein, and shall be dated on the Day when the same was actually issued, and shall have Effect and be in force upon the Day of the issuing thereof, and shall expire on the Day therein mentioned for the Termination thereof.

Duration and Expiration of Licences.

5 & 6 Vict. c. 81. relating to Game Certificates in Ireland to continue in force.

XVII. All the Clauses, Powers, Provisions, and Regulations, Pains and Penalties, contained in or imposed by the Act passed in the Fifth and Sixth Years of Her Majesty's Reign, Chapter Eighty-one, relating to Certificates to kill Game in *Ireland*, shall be of full Force and Effect and shall be applied in *Ireland* to the Certificates to be granted under this Act and the Duties hereby imposed thereon, as fully and effectually as if the same were herein repeated and specially enacted in reference to such last-mentioned Certificates and Duties.

Licences and Certificates to be available throughout the United Kingdom.

XVIII. Every Licence and Certificate to kill Game taken out respectively in *Great Britain* and *Ireland* under this Act, by or on behalf of any Person in his own Right, and not as a Gamekeeper or Servant, shall be available for the killing of Game in any Part of the United Kingdom.

7 & 8 G. 4. c. 49. repealed.

XIX. The Act passed in the Seventh and Eighth Years of King *George* the Fourth, Chapter Forty-nine, intituled *An Act to exempt Persons who have procured Game Certificates in* Great Britain *from the Duty on Game Certificates in* Ireland, *and to authorize the Persons who have paid Duty on Game Certificates in* Ireland *to kill Game in* Great Britain, *upon paying the additional Duty only*, shall be and the same is hereby repealed.

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ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

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Regulations which heretofore and since the passing of the said Act have been made by the University and approved by Her Majesty in Council, conformably to the Conditions and Provisions of the said Act, in relation to the said *Craven* Scholarships, shall have the same Force and Effect as if the said Scholarships had been expressly named and included in the said Act as University Emoluments, and in Elections to the said Scholarships no Person shall be entitled to Preference by reason of his being of the Name or Kindred of the Founder: Provided that nothing herein or in the said Act or in such Statutes or Regulations contained shall preclude the High Court of Chancery from augmenting from Time to Time the Number of Scholars, whenever the increased Income of the Foundation shall permit.

20 & 21 Vict. c. 77.

II. And whereas by an Act Twenty and Twenty-first *Victoria*, Chapter Seventy-seven, it was enacted that "the acting Judge and Registrar of every Court, and other Person now having Jurisdiction to grant Probate or Administration, and every Person having the Custody of the Documents and Papers of or belonging to such Court or Person, shall, upon receiving a Requisition for that Purpose, under the Seal of the Court of Probate from a Registrar, and at the Time and in the Manner mentioned in such Requisition, transmit to the Court of Probate, or to such other Place as in such Requisition shall be specified, all Records, Wills, Grants, Probates, Letters of Administration, Administration Bonds, Notes of Administration, Court Books, Calendars, Deeds, Processes, Acts, Proceedings, Writs, Documents, and every other Instrument relating exclusively or principally to Matters or Causes Testamentary, to be deposited and arranged in the Registry of each District, or in the principal Registry, as the Case may require, so as to be easy of Reference, under the Control and Direction of the Court:" And whereas in the Case of the Court of the Chancellor of the University of *Oxford* it has been found inconvenient to separate the Testamentary Records, Instruments, and Papers of or belonging to the said Court from the other Records, Instruments, and Papers thereof: Be it further enacted, That the Vice Chancellor of the said University shall, as soon as conveniently may be, cause to be made an Index to such of the Records and other Instruments and Papers whatsoever of or belonging to the said Court as relate exclusively or principally to Matters or Causes Testamentary, which shall be as accurate as the Nature of the said Records and other Instruments and Papers will permit, and shall transmit a Copy of such Index to the Principal Registrar of Her Majesty's Court of Probate, and such Transmission thereof shall be a sufficient Compliance with the above-recited Enactment of the said Act, so far as regards the Court of the Chancellor of the said University,

University to retain the Custody of certain Testamentary Documents and transmit an Index thereof to Court of Probate.

University, and it shall thereafter be lawful for the said University, notwithstanding the said Act, to retain the Custody of all the Records, Documents, and Papers to which such Index shall relate: Provided that all the said Records, Instruments, and Papers shall at all convenient Times be liable to be inspected and to have Extracts or Copies taken therefrom by the Authority of the Principal Registrar of Her Majesty's Court of Probate, or of the District Registrar of the same Court at *Oxford*, on Payment of the same Fees as would have been payable if such Records, Instruments, and Papers had been deposited in the principal Registry, or in the Registry of the *Oxford* District, as the Case might have required; such Fees to be paid to the same Person or Persons as would in that Event have been entitled to receive the same; and that no Officer of the said University, or of the said Court of the Chancellor thereof, shall be entitled to receive any Fee from any Person inspecting the said Records, or taking Extracts or Copies therefrom by the Authority aforesaid.

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Printed by George Edward Eyre and William Spottiswoode,
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VICTORIÆ REGINÆ.

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Herring Fisheries (Scotland).

Short Title.

I. This Act may be cited for all Purposes as "The Herring Fisheries (*Scotland*) Act, 1860."

Interpretation of Terms.

II. The following Words in this Act shall have the several Meanings hereby assigned to them:

The Words "the Commissioners" shall mean the Commissioners of the *British* White Herring Fishery:

The Word "Superintendent" shall mean and include the Naval Superintendent appointed under the Authority of the recited Acts or any of them, and the Superintendent or Superintendents appointed under the Authority of this Act:

The Words "Officer of the Fishery" shall mean an Officer of the *British* White Herring Fishery appointed under the Authority of the recited Acts or any of them, or this Act:

The Words "the Coasts of *Scotland*" shall mean and include all Bays, Estuaries, Arms of the Sea, and all tidal Waters within the Distance of Three Miles from the Mainland or adjacent Islands.

Commissioners may appoint Superintendents of the Fishery.

III. The Commissioners may from Time to Time, subject to the Approval of the Commissioners of Her Majesty's Treasury, appoint any Person or Persons to be Superintendent or Superintendents of the Fishery; and every Superintendent so appointed shall have and be entitled to exercise all the Powers, Functions, and Privileges which can be exercised or are enjoyed under and in virtue of the recited Acts or any of them, or this Act, by the Naval Superintendent, or by the Officers of the Fishery appointed by the Commissioners of Her Majesty's Treasury, under the Authority of the Act Forty-eighth *George* the Third, Chapter One hundred and ten, except the superintending of the curing of Herrings, and the branding of Barrels containing the same; and every Person who resists or obstructs any Superintendent in the Execution of the Duties of his Office shall be liable to a Penalty not exceeding Fifty Pounds, or, failing Payment thereof, to Imprisonment for any Period not exceeding Sixty Days.

Commissioners may fix Periods during which the Herring Fishing may not be carried on.

IV. It shall not be lawful to take or fish for Herrings or Herring Fry on the West Coasts of *Scotland*, between the Points of *Ardnamurchan* on the North and the *Mull of Galloway* on the South, at any Time between the First Day of *January* and the Thirty-first Day of *May* inclusive in any Year, nor between *Cape Wrath* on the North and the said Point of *Ardnamurchan* on the South at any Time between the First Day of *January* and the Twentieth Day of *May* inclusive in any Year, and the Commissioners may, on Application made to them, and after such Inquiry as they shall think necessary, by Regulations to be made by them from Time to Time, fix the Periods, if any, during which it shall not be lawful to take or fish for Herrings within any other Limits or Locality on the Coasts of

of *Scotland*; and every Person who takes or fishes for Herrings or Herring Fry in breach or contravention of the above Enactment or of any such Regulations shall be liable to a Penalty of not less than Five and not exceeding Twenty Pounds for every such Offence; and all Nets used for taking or fishing for Herrings in breach or contravention of the above Enactment or of any such Regulations may be seized by the Superintendent, or any Person acting under his Orders, or by any Officer of the Fishery, or by Order of any Sheriff, Justice of the Peace, or Magistrate having Jurisdiction under this Act, and shall be forfeited.

Commissioners may make Regulations for the Management and Protection of the Herring Fisheries, and Preservation of Order.

V. The Commissioners may from Time to Time make such Regulations as they think fit for the more effectual Government, Management, and Protection of the Herring Fisheries on the Coasts of *Scotland*, and for the Preservation of Order among the Persons engaged therein; and every Person who commits any Breach or Contravention of any such Regulations shall be liable to have his Boat detained by the Superintendent, or any Person acting under his Orders, or by any Officer of the Fishery, or by Order of any Sheriff, Justice, or Magistrate having Jurisdiction under this Act, and shall be liable to a Penalty of not less than Five and not exceeding Twenty Pounds for every such Offence.

Commissioners may prohibit the Use of Trawl, Beam, and Drag Nets.

VI. The Commissioners may, on Application made to them, and after such Inquiry as they shall think necessary, by Regulations to be made by them from Time to Time, prohibit on the Coasts of *Scotland*, and within such Limits and for such Periods as they may think fit, the Use of any Trawl, Drag, or Beam Net which, in the Opinion of the said Commissioners, is injurious to the Spawn of Herring, or otherwise to the Herring Fishery; and every Person who commits any Breach or Contravention of any such Regulations shall be liable to a Penalty of not less than Five and not exceeding Twenty Pounds for every such Offence: Provided, that this Provision shall not in any way affect any of the Prohibitions or Requirements of any of the recited Acts in so far as relates to fishing for Herrings.

Commissioners may rescind Regulations, &c.

VII. The Commissioners may from Time to Time rescind, alter, or amend any Regulation or Regulations made by them under the Authority of this Act.

Regulations to be approved by the Lords of the Treasury, and to be published.

VIII. All Regulations made by the Commissioners under the Authority of this Act shall, before taking effect, be submitted to and approved by the Commissioners of Her Majesty's Treasury, and shall thereafter be published by printed Copies thereof being posted up in conspicuous Positions near the Harbours or other Places frequented by Fishermen in the Districts or Places to which the Regulations shall apply, and by printed Copies thereof being deposited

sited with every Officer of the Fishery in such Districts or Places, and in the Office of the Sheriff Clerk of the County, and also by Advertisement inserted in some Newspaper published or circulated in such Districts or Places, either setting forth such Regulations in full, or intimating that such Regulations have been made and that Copies thereof are lodged with the Officers of the Fishery as aforesaid, all in such Manner as the Commissioners shall direct; and on such Regulations being so published it shall not be any Defence against Proceedings for the Enforcement of any Penalty or Forfeiture incurred by any Breach or Contravention thereof, that the Person charged with such Breach or Contravention was ignorant of such Regulations: Provided that such Regulations shall be so published at least Two Weeks before taking effect; and a printed Copy of any Regulation signed by the Secretary of the Commissioners for the Time being shall be Evidence of the Terms of such Regulation, and that the same has been duly published, reserving to any Person having Interest the Right to prove that the same was not so published.

Penalty under Sect 6. of 14 & 15 Vict. c. 26. declared.

IX. Every Person committing any Breach or Contravention of the Provisions of the Sixth Section of the Act Fourteenth and Fifteenth *Victoria*, Chapter Twenty-six, shall for each Offence be liable to a Penalty of not less than Five and not exceeding Twenty Pounds for every such Offence, and every Net used in contravention of the said Act shall be forfeited.

Nets and Fishing Implements when found to be delivered to the Commissioners or their Secretary, and, unless liable to Forfeiture, to be restored to the Owners, or if not claimed to be sold.

X. All Nets, Buoys, Floats, or other Fishing Implements or Apparatus whatsoever, abandoned and found by or delivered to the Superintendent or any Officer of the Fishery, shall be held subject to the Orders and at the Disposal of the Commissioners or their Secretary, and shall, unless the same are liable to Forfeiture under the Provisions of the recited Acts or any of them, or of this Act, be restored to the Owner thereof or his Representatives, on Evidence being produced of his or their Right thereto: Provided that if the same shall not be claimed and Evidence of the Right thereto produced by the Person claiming the same within the Space of One Year, such Nets or other Implements shall, if not liable to Forfeiture as aforesaid, be sold by Public Auction by the Commissioners, and the Price thereof, after deducting Expenses, shall be accounted for to the Commissioners of Her Majesty's Treasury.

Fishing Boats and Implements of Fishing to be marked and numbered, and if not marked

XI. All Fishing Boats used for the Purpose of fishing for Herrings on the Coasts of *Scotland*, and the Sails and Buoys and principal Floats of each Net, and all other Implements of Fishery belonging to such Boats, shall be marked in such Manner as the Commissioners may direct by Regulations made and published as herein mentioned;

mentioned; and every such Boat, Sail, Buoy, Net, or other Implement of Fishery which shall not be so marked and numbered as aforesaid may be seized by the Superintendent or any Person acting under his Orders, or by any Officer of the Fishery, or by Order of any Sheriff, Justice, or Magistrate having Jurisdiction under this Act, and shall be detained for such Period not exceeding One Month as the Superintendent shall determine.

and numbered, may be seized and detained.

XII. The Forty-sixth Section of the Act Forty-eighth *George* the Third, Chapter One hundred and ten, is hereby repealed; and from and after the passing of this Act the Owner of every Boat which shall be employed in the Herring Fishery shall paint, or cause to be painted in a distinct and legible Manner upon the Stern of such Boat, in White or Yellow Roman Letters of Two Inches in Length, on a Black Ground, the Name of the Owner of the Boat, and the Port or Place to which she belongs; and every Boat employed in the Herring Fishery on which such Names as aforesaid shall not be painted in manner before directed shall be detained for a Period not exceeding One Month, and may be seized by the Superintendent or any Person acting under his Orders, or by any Officer of the Fishery, or by Order of any Sheriff, Justice, or Magistrate having Jurisdiction under this Act.

Sect. 46. of 48 G. 3. c. 110. repealed, and Names of Owners to be painted on Boats.

If Names not painted on Boats they shall be detained.

XIII. For the Purposes of the Provisions of the Sixth Section of the Act Fourteenth and Fifteenth *Victoria*, Chapter Twenty-six, the Herring Fishery shall be held to be carried on whenever Herrings are being caught, and every Net, other than Drift Nets, which, in the Opinion of such Commissioners, may be used for the Purpose of taking Herrings in contravention of the said Act, shall during the whole Time of such Herring Fishery be removed and laid aside, or shall be liable to be seized and forfeited, and the Owner thereof to be proceeded against accordingly; and the finding of any such other Net in any open Place, and not removed and laid aside as aforesaid, shall be held *primâ facie* Evidence of the Purpose of the Possessor of such Net to use the same in contravention of the Provisions of the recited Acts or of this Act; and unless such Possessor shall prove to the Satisfaction of the Sheriff, Justice or Justices of the Peace, or Magistrate, before whom he may be prosecuted, that such Net was not intended to be used for any such unlawful Purpose, such Net shall be forfeited and destroyed, and the Possessor thereof shall be liable in the Penalty imposed by the Sixth Section of the said Act; and, in addition to any Superintendent or Person acting under his Orders, or any Officer of the Fishery, every Constable or Officer of the Police of any County or Burgh acting under the Authority and Orders of the Sheriff or any Justice of the Peace or Magistrate of such County or Burgh shall, for the Purpose of enforcing the Provisions of the Sixth Section of the said Act, have within such County or Burgh the Power to seize any such Net in order

Nets other than Drift Nets to be laid aside during Fishery, and if not laid aside may be seized and forfeited.

order to the Condemnation and Forfeiture thereof; and on the Requisition of any Superintendent or other Officer of the Fishery, any Constable or Officer of Police shall be entitled to assist and co-operate with him or them in the Execution of this Act.

Mode of enforcing Fines, Forfeitures, and Penalties.

XIV. It shall be lawful for the Superintendent or any Officer of the Fishery, or for the Procurator Fiscal of any County or Burgh, to apply by Petition in the Form of Schedule (A.) to this Act annexed, or as nearly so as may be, to any Sheriff, Justice of the Peace, or Magistrate having Jurisdiction in such County or Burgh, to grant Warrant to search for and seize any Net or other Fishing Apparatus prohibited by or used or intended to be used in contravention of any of the recited Acts or this Act; and any Forfeiture or Penalty imposed by or incurred under the Provisions of the recited Acts or any of them, or of this Act, may be sued for, or enforced, and recovered, with Expenses, in the Form and Manner directed or provided by the recited Acts or any of them, or by Petition or Complaint presented by or in the Name of the Secretary of the Commissioners for the Time being, or the Superintendent or any Officer of the Fishery, or any Procurator Fiscal within the County or Burgh where the Offence has been committed or is to be tried, or at the Instance of any Person or Persons who may prosecute the same, to the Sheriff or any Two or more Justices of the Peace or Magistrates having Jurisdiction as herein-after provided; and where Proceedings are so taken by Petition or Complaint the same may be served by any Officer of the Law or any Officer of the Fishery; and it shall be lawful for the Sheriff, Justice, or Magistrate to summon the Person complained of to appear personally at any Time or Place to be named in the Summons; and if such Person shall not appear accordingly then (upon Proof of the due Service of the Summons by delivering a Copy thereof to such Person, or at his usual Place of Abode to some Inmate thereat, and explaining the Purport thereof to such Inmate,) either to proceed to hear and determine the Case in the Absence of such Person or to issue his or their Warrant for apprehending and bringing such Person before him or them, as the Case may be, or (if satisfied from Information on Oath that such Person is likely to abscond) to issue such Warrant in the first instance without any previous Summons, and the Person in whose Name such Petition or Complaint shall be presented shall be entitled to and have the Benefit of all the Privileges, Protections, and Provisions given and conferred by any Act or Acts to or for Officers of the Customs and Excise on the Occasion of their acting in the Execution of their respective Offices, as to any Action or Suit or any Matter relating thereto; and all Penalties imposed and recovered under the Provisions of the recited Acts or any of them, or of this Act, shall be appropriated and disposed of in Terms of the Act Forty-eighth *George* the Third, Chapter One hundred and ten.

XV. It

XV. It shall be competent to try all Offences under the recited Acts or any of them, or this Act, before any Sheriff or any Two or more Justices of the Peace or Magistrates having Jurisdiction in the Place where the Offence was committed, or where the Offender resides or is found, or if Offenders charged with the same Offence reside within different Jurisdictions, then before any Sheriff or any Two or more Justices of the Peace or Magistrates having Jurisdiction in the Place, or within the County or Burgh, where any One of such Offenders resides or is found; and all Orders or Warrants of Service or Citation, Judgments, Sentences, Convictions, or other Warrants of Execution, may be served or enforced upon or against any Offender, or his Goods or Effects, or any Witness, in any other County, Burgh, or Place where such Offender or Witness resides or is found, or where the Goods and Effects of any Offender are found, as well as in the County, Burgh, or Place where the same are issued, provided, the same be endorsed by the Sheriff or a Justice of the Peace or Magistrate of such other County, Burgh, or Place; and such Endorsation shall be sufficient Authority to the Sheriff Officers or Constables of both Jurisdictions respectively to put such Orders, Warrants, Judgments, Sentences, Convictions, or other Warrants into execution within such other County, Burgh, or Place.

Judges who may try Offences, and Mode of Enforcement of Orders and Sentences.

XVI. Where any Offence under the recited Acts or any of them, or this Act, shall be committed on the Coasts of *Scotland*, such Offence shall be held to have been committed within the County or either of the Counties next adjacent to the Place where such Offence was committed.

Jurisdiction where Offence committed on the Coasts.

XVII. Any Petition or Complaint, and Proceedings following thereon, before the Sheriff or Justices of the Peace or Magistrates before whom any Person or Persons shall be complained of or proceeded against for any Offence under the Provisions of the recited Acts or any of them, or of this Act, and the Orders, Warrants, Judgments, Sentences, and Convictions therein, may be in a Summary Form, and may be printed or written, or partly printed and partly written, and may be in the Form of Schedule (B.) to this Act annexed, or as nearly so as may be; and the same, or Extracts thereof, signed by the Clerk of Court, shall be sufficient Authority to any Officer of the Law or Officer of the Fishery to serve such Petition or Complaint, and to any Officer of the Law to enforce such Orders, Warrants, Judgments, Sentences, and Convictions; and the same or Extracts thereof shall be endorsed as herein-before provided, if they are to be enforced in any other Jurisdiction than that in which they were issued: Provided that all Citations to Offenders shall be served at least Six Days previous to the Day of Trial therein specified.

Petitions, Orders, and Sentences may be in a Summary Form as in Schedule (B.)

XVIII. It shall not be necessary to have any written Record of Evidence in any Petition or Complaint or Proceedings under the Pro-

No Record of Evidence necessary,

and Proceedings not to be quashed or reviewed.

Provisions of the recited Acts or any of them, or of this Act; and such Petitions or Complaints, and the Orders, Warrants, Judgments, Sentences, Convictions, and Proceedings therein, shall not be quashed or vacated for Want of Form, and shall not be subject to Appeal or Review in any Court, or by any Process whatsoever except as herein-after provided.

Appeal.

XIX. It shall be lawful for any Person who shall have been found liable to any Penalty under the Provisions of any of the recited Acts or of this Act, in case such Penalty shall not be of less Amount than Ten Pounds, within Two Days of such Conviction, to require the Judge before whom he shall have been tried, or the presiding Judge if more than One, to state in Writing the material Facts of the Case, proved in Evidence at the Trial, and any Circumstances which such Judge may deem to be important with reference to the Sentence pronounced; and the Judge shall thereafter authenticate such Statement with his Signature, and deliver the same to the Defender or his Agent, and the Defender may thereupon appeal to the next Circuit Court of Justiciary, or, where there are no Circuit Courts, to the High Court of Justiciary at *Edinburgh*, in the Manner and by and under the Rules, Limitations, Conditions, and Restrictions contained in an Act passed in the Twentieth Year of the Reign of His Majesty King *George* the Second, for taking away and abolishing heritable Jurisdiction in *Scotland*, with this Variation, that such Person shall, in place of finding Caution in the Terms prescribed by this Act, be bound to find Caution to pay the Penalty or Forfeiture and Expenses awarded against him by the Sentence appealed from in the event of the Appeal being dismissed or not insisted in, together with any additional Expenses that may be awarded by the Court on deciding or dismissing the Appeal.

Boats, Nets, &c. forfeited may be sold or destroyed.

XX. All Boats, Nets, Buoys, Floats, or other Fishing Implements or Apparatus which shall be forfeited under the Provisions of the recited Acts or any of them, or of this Act, or of any Regulation to be made by the Commissioners as herein provided, may be either sold by Public Auction, or destroyed by the Commissioners, as they shall think fit; and in Cases of Sale the Proceeds, after deducting Expenses, shall be accounted for to the Commissioners of Her Majesty's Treasury, or, if the Magistrate declaring the Forfeiture shall so direct, One Half thereof shall be paid to the Captor or Informer.

As to Proceeds in Case of Sale.

Judge may grant Warrant of Imprisonment, failing Payment of or Security for Penalty and Expenses.

XXI. It shall be lawful for any Sheriff or Justices of the Peace or Magistrates who shall try any Petition or Complaint under the Provisions of the recited Acts, or any of them, or of this Act, and who in pronouncing Sentence shall decern against any Offender for Payment of any Penalty or Expenses, to grant Warrant (failing Payment of the Penalty or Expenses so decerned for, or Security therefor

therefor being found to the Satisfaction of the Clerk of Court) for the Recovery of such Penalty and Expenses by Poinding and Imprisonment, and for imprisoning such Offender for any Period not exceeding Thirty Days, unless such Penalty and Expenses be sooner paid; and such Warrant may be carried into execution by the Imprisonment of the Offender in any Prison within the Jurisdiction where the same was issued, or, after such Warrant is endorsed as herein provided, in any Prison within any other Jurisdiction where he may be found.

Persons found committing Offences may be apprehended.

XXII. Any Person found in the Act of committing any Offence in contravention of the Provisions of the recited Acts or any of them, or of this Act, and refusing, when required by any Officer of the Fishery or any Officer of Police, to state his Name and Place of Residence, may be apprehended and brought before any Sheriff, Justice of the Peace, or Magistrate having Jurisdiction, who shall forthwith examine and discharge or commit such Person until Caution *De judicio sisti* be found, as the Case may require: Provided that such Person shall not be detained more that Twenty-four Hours without the Warrant of a Sheriff, Justice of the Peace, or Magistrate for such Detention.

Her Majesty may appoint Five additional Commissioners.

XXIII. It shall be lawful for Her Majesty, Her Heirs and Successors, by Letters Patent under the Seal appointed to be kept and used in *Scotland* instead of the Great Seal thereof, to nominate and appoint any Number of Persons, not exceeding Five, to be Commissioners of the *British* White Herring Fishery, in addition to the Commissioners appointed under the recited Acts of the Forty-eighth and Fifty-fifth *George* the Third and Tenth and Eleventh *Victoria*, and the other Acts before recited.

Limitation of Actions.

XXIV. No Prosecution or other Proceeding whatever shall be brought or commenced against any Person for any Offence against this Act or the recited Acts, unless the same shall be commenced within Six Months after such Offence shall have been committed.

Regulations to be laid before Parliament.

XXV. All Regulations made by the Commissioners under the Authority of this Act shall, so soon as the same have been approved by the Commissioners of Her Majesty's Treasury, be laid before both Houses of Parliament forthwith, if Parliament be then sitting, or, if Parliament be not then sitting, immediately on the assembling of the then next Session of Parliament.

Act not to apply to Ireland or the Isle of Man.

XXVI. Nothing in this Act contained shall be held or construed to apply to Fishing on the Coasts of *Ireland* or the *Isle of Man*.

SCHEDULE (A.)

Unto the Honourable the Sheriff *or* Her Majesty's Justice or Justices of the Peace *or* Magistrate of the County or Burgh of

The Complaint of *A.B.*

Humbly showeth,

That the Complainer has good Reason to believe that a Net [*or Nets or other fishing Apparatus*] prohibited by or used or intended to be used in contravention of "The Herring Fisheries (Scotland) Act, 1860," or the Acts therein recited, or one or other of the said Acts, is situate and to be found [*describe the Place*].

May it therefore please your to grant Warrant to search for and seize the said Net [*or other fishing Apparatus*], to be dealt with in Terms of the said Acts or any of them.

WARRANT [*to be endorsed on Complaint*].

[*Place and Date*]

Grants Warrant as craved.

(Signed) *A.B.*, Sheriff.

_____ Justice of the Peace.

_____ Magistrate.

SCHEDULE (B.)

FORMS OF PROCEEDINGS.

COMPLAINT.

Unto the Honourable the Sheriff *or* Her Majesty's Justice or Justices of the Peace *or* Magistrate of the County or Burgh of

The Complaint of *A.B.*

Humbly showeth,

That *C.D.* has been guilty of a Contravention of "The Herring Fisheries (Scotland) Act, 1860," or of the Act [*specify the Act or Acts*] therein recited, or of one or other of the said Acts, in so far as [*here describe the Offence generally, and state the Time and Place when and where the same was committed*], whereby the said *C.D.* has incurred the Forfeiture [*or* Penalty] of , provided by the Section [*or* Sections] of the said Act [*or* Acts].

May it therefore please your to grant Warrant to summon the said *C.D.* to appear before to answer to this Complaint, and to be dealt with in Terms of the said Acts or one or other of them.

According to Justice, &c.

[*Signed by Complainer or Informer.*]

WARRANT.

[*Place and Date.*]

Having considered the foregoing Complaint, grants Warrant to summon the said *C.D.* complained of to compear before [*Sheriff, Justices of the Peace,* or *Magistrate and Place and Time,*] and that by serving the said *C.D.* with a Copy of the foregoing Complaint and of this Deliverance; and also grants Warrant for citing Witnesses at the Instance of both Parties, to attend at the same Place and Time.

[*Sheriff, Justice of Peace, or Magistrate.*]

SENTENCE.

[*Place and Date.*]

The [*Sheriff, Justices of the Peace,* or *Magistrate*], in respect of the Evidence adduced [*or* of the judicial Confession of the said *C.D., as the Case may be*], convicts the said *C.D.* of the Offence charged, and decerns and adjudges him to forfeit and pay to the Complainer the Sum of . of Penalty, with the Sum of of Expenses, One Half of the said Penalty to be retained by the Complainer, and the other Half thereof [*or as the Case may be*] to be paid and accounted for by him to the Commissioners of Her Majesty's Treasury; and failing Payment by the said *C.D.* forthwith* grants Warrant for Recovery of the said Penalty and Expenses by Poinding of his Goods and Effects, and summary Sale thereof on the Expiration of not less than Forty-eight Hours after such Poinding; appoints a Return or Execution of such Poinding and Sale to be reported within Eight Days from this Date, and in the meantime grants Warrant for detaining the said *C.D.* in the Prison of until such Return be reported.

[*If it shall appear at the Trial that no sufficient Poinding can be made within the Jurisdiction of the Sheriff, Justices of the Peace,* or *Magistrate, say here,* "and in respect it appears that no sufficient Poinding and Sale can be had whereon to levy the said Penalty and Expenses, grants Warrants to imprison the said *C.D.* in the Prison of for the Space of from this Date, unless the said Penalty and Expenses be sooner paid, and decerns."]

SENTENCE OF FORFEITURE.

The [*Sheriff, Justice of the Peace,* or *Magistrate*] in respect of the Evidence adduced [*or* of the judicial Confession of the said *C.D., as the Case may be*], finds that a Net [*or Nets or other fishing Apparatus*] prohibited by or used or intended to be used in contravention of "The Herring Fisheries (Scotland) Act, 1860," or of the Act [*specify the Act*] therein recited, has been forfeited in Terms of the said Act or Acts, and declares the same to be forfeited accordingly [and further, *if the Magistrate see Cause,* appoints One Half of the Proceeds thereof, when sold, to be paid to *E.F.*, the Captor *or* Informer].

WARRANT OF IMPRISONMENT.

To be granted in case of a Return being made that no sufficient Goods and Effects could be found.

[*Place and Date.*]

The [*Sheriff, Justice of the Peace,* or *Magistrate*], in respect of the Return made that no sufficient Effects can be found whereon to levy the said Penalty and Expenses, grants Warrant to imprison the said *C.D.* in the Prison of for the Space of from this Date, unless the said Penalty and Expenses be sooner paid and decerns.

WARRANT OF LIBERATION.

[*Place and Date.*]

The [*Sheriff, Justice of the Peace,* or *Magistrate*], in respect of the Return of a sufficient Poinding and Sale of the Effects of the said *C.D.* [*or* in respect of Payment having been made of the said Penalty and Expenses, *as the Case may be*], grants Warrant to the Keeper of the Prison of for the immediate Liberation of the said *C.D.*, and decerns.

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ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

***

into Tithe Rentcharge.

any Parish, and such Corn Rents shall be subject to Variation at certain Periods under the Provisions of the same Act, the Commissioners, upon the Application in Writing of the Owners of Lands liable to the Payment of the major Part in Value of such Corn Rents, or of the Persons to whom a major Part in Value of such Rents are payable, at any Time at which the said Corn Rents might be subjected to Variation under such Local Act, or at any other Time, upon the joint Application in Writing of the Owners of Lands liable to the Payment of the major Part in Value of such Corn Rents, and of the Persons to whom a major Part in Value of such Rents are payable, may by an Award under their Hands and Seal convert the same into a Rentcharge, to be thenceforth and for ever thereafter payable, in like Manner and subject to the like Incidents as Rentcharges awarded under the said recited Acts are payable and subject to: Provided always, that nothing in this Act contained shall be construed to render any such Rentcharge liable to Parochial or other Rates or Taxes from which the Corn Rents in respect of which such Rentcharge shall have been awarded were free and exempt.

County or Towns from whose Returns Average to be calculated.

II. Wherever the Local Act provides that the average Prices upon which any Corn Rents shall be varied shall be taken from any County or from Towns from which Corn Returns are made, the Commissioners shall calculate the Rentcharge to be awarded by them in lieu of such Corn Rents upon the Returns for such County or such Towns; and where no Corn Returns are made from the Towns so named, the Commissioners shall select Two Towns in the same or any adjoining County from which there are Returns, and give Notice thereof in such Manner as to them shall seem fit, and shall appoint a Time (being not less than Twenty-one Days from the Date of the Notice) within which Objections to such Selection may be signified in Writing to the Commissioners by any Person interested, and if there be any such Objections the Commissioners shall consider the same, and shall either confirm the Selection, or select some other Towns, as they may think fit.

How Average to be calculated.

III. The Commissioners shall calculate the Rentcharge to be awarded in lieu of any such Corn Rents upon the average Prices for the Number of Years next preceding the Date of the Application to them, which shall be provided by such Local Act as the Basis of Variation, having due Regard to the average Prices upon which such Corn Rents were ascertained, and such Calculation, where practicable, shall be made with reference to the particular Grain mentioned in the Local Act under which such Corn Rents are payable, or if there shall be no Returns of such Grain, upon the average Prices of Wheat, Barley, and Oats.

IV. The

Tithe Commutation.

IV. The Commissioners shall apportion the Rentcharge to be awarded by them in lieu of Corn Rents upon and among the Lands heretofore subject to such Corn Rents, either by a general Schedule or a Schedule in Detail of the same Lands, to be annexed to and form Part of their Award, and with or without a Map of the same Lands or any Part thereof, but the Commissioners shall not require a Map unless the same shall in their Opinion be rendered necessary for the Identification of any such Lands; and the Commissioners shall deposit a Draft of such Award for Inspection in the same Manner as by the said recited Acts is required in reference to an Instrument of Apportionment, and shall cause Notice of such Deposit to be given in such Manner as to them shall seem fit, and shall by such Notice specify the Time (being not less than Twenty-one Days) within which Objections in Writing to such proposed Award may be signified to the Commissioners; and in case any Notice of Objection shall be given within the Time limited as aforesaid, the Commissioners shall appoint a Time and Place for hearing such Objections, and shall by themselves or by an Assistant Commissioner take such Objections into their Consideration; and if there be no Notice of Objections, or when the said Commissioners or Assistant Commissioner shall have heard and determined all such Objections, the Commissioners shall confirm such Award, with or without Amendments, as they shall see fit, and such Award shall thenceforth be binding and conclusive on all Persons whomsoever, subject to the Provision herein-after contained, and shall be conclusive Evidence on every Matter in the said Award set forth and contained.

Commissioners to apportion Rentcharge.

V. Any Person dissatisfied with the said Award, and who shall be desirous of appealing against the same, shall have the same Power of Appeal as is given by the said first-recited Act in the Case of a Decision given under the Forty-fifth Section of such Act, notwithstanding that the yearly Payment in dispute shall be less than Twenty Pounds; and the Court is hereby empowered to amend such Award, or to remit the same to the Commissioners to be amended by them in such Manner as the said Court shall direct, and the Commissioners shall thereupon amend the same, in conformity to such Direction, and the Award so amended shall be binding and conclusive on all Persons whomsoever.

Power of Appeal to a Court of Law.

VI. The Commissioners shall have Access to the Books of the Comptroller of Corn Returns for the Time being, and shall be furnished by him with such Information as they may require for the Purposes of any Award of Rentcharge in lieu of Corn Rents.

Comptroller of Corn Returns to furnish Information.

VII. In

Commissioners to have same Powers as in Tithe Commutations.
As to Expenses of Awards, &c.

VII. In making any such Award, and any Inquiries incident thereto, the Commissioners shall have the same Powers as to the Attendance and Examination of Witnesses, the Production of Documents, and all other Matters, as are given by the said recited Acts in Matters relating to the Commutation of Tithes; and all Expenses of or incident to any such Award or any Part thereof shall be borne and paid by and amongst the Owners of Lands heretofore liable to such Corn Rents, and the Persons to whom the same were payable respectively, in such Proportion and Manner as the Commissioners shall direct, and be recoverable in like Manner as Expenses under the said recited Acts are recoverable.

Copies of Award to be deposited, &c.

VIII. The Commissioners shall cause to be made Two Copies of every such Award of Rentcharge in lieu of Corn Rents, which Copies shall be sealed by them and be deposited in like Manner and subject to all the like Incidents as provided by the said recited Acts in reference to the sealed Copies of an Instrument of Apportionment.

As to Recovery of Rentcharges awarded in lieu of Corn Rents.

IX. The Payment of any Rentcharge awarded in lieu of Corn Rents which shall be in arrear may be enforced by the same Ways and Means as Payment of Rentcharge in arrear may be enforced under the Provisions of the said recited Acts, or may be enforced, at the Option of the Person to whom the same Rentcharge is payable, by the same Ways and Means as are provided by the Local Act for the Recovery of the Corn Rents in lieu of which such Rentcharge shall have been awarded.

Where Consents not given, Draft of proposed altered Apportionment to be deposited for Inspection.

X. In any Case of altered Apportionment in which the Consent of the whole of the Landowners interested in such Alteration shall not be signified thereto, the Commissioners shall, in lieu of the Service of Notice required by the said Acts, cause a Draft of the proposed altered Apportionment to be deposited for Inspection, in the same Manner as by the said first-recited Act is required in reference to an Instrument of Apportionment, and shall cause Notice to be given of such Deposit in such Manner as to them shall seem fit, and shall by such Notice specify the Time (being not less than Twenty-one Days) within which Objections in Writing to such proposed altered Apportionment may be signified to the Commissioners; and in case any Notice of Objection shall be given within the Time limited as aforesaid, the Commissioners shall appoint a Time and Place for hearing such Objection, and shall, by themselves or by an Assistant Commissioner, take such Objection into their Consideration; and if there be no Notice of Objection, or when the said Commissioners or Assistant Commissioner shall have heard and determined every such Objection,

In case of Objection Commissioners to appoint a Time for hearing the same.

Objection, the Commissioners shall confirm such altered Apportionment, with or without Amendments, as they shall see fit.

XI. With the Consent of the Owner or Owners of any Lands charged with Rentcharge under any Instrument of Apportionment, whether payable to One or more Owners of Rentcharge, and without regard to the Mode in which the same Rentcharge is apportioned by the said Instrument, the Commissioners may by an altered Apportionment reapportion and redistribute the same Rentcharge over and amongst the said Lands or any Part thereof, and to the Exclusion of any of such Lands, but no Rentcharge shall be charged upon any Land to the Exclusion of other Land of the same Owner, unless the Land so charged with Rentcharge is held for an Estate in Fee Simple or Fee Tail in Possession, or unless the same and the Land so excluded are settled to the same Uses.

Rentcharge may be reapportioned and redistributed on the same or on other Lands.

XII. Where, through the Removal or Alteration of Fences between Land charged with Rentcharge under any Instrument of Apportionment and Land upon which no Rentcharge is now charged, or which is Tithe-free, it becomes impossible or difficult to distinguish the Limits of the Land so charged with Rentcharge, the Commissioners may, with the Consent of the Owner of the said Lands, include the whole of such Lands in any Instrument of altered Apportionment to be made by the said Commissioners, and may apportion the Rentcharge as well on the said Land not heretofore charged as on the said Land heretofore liable to the Payment thereof, or on any Part thereof, provided that the whole of the Lands on which such Rentcharge is apportioned are held for an Estate in Fee Simple or Fee Tail in Possession, or are settled to the same Uses.

Where Fences removed Rentcharge may be apportioned on Land Tithe-free jointly with other Land.

XIII. No Land shall be charged with Rentcharge payable to a different Owner than the Rentcharge previously charged thereon was payable to, without the Consent in Writing of the Owner of the Rentcharge so proposed to be charged, except in Cases of altered Apportionment after Inclosure.

Land not to be charged to a different Owner than before, without Consent.

XIV. It shall not be necessary to obtain the Consent of any Landowner to an altered Apportionment whose Lands are not charged with Rentcharge by such altered Apportionment.

Consent of Landowner not required where his Lands are not charged.

XV. Whenever it shall appear to the Commissioners that any Instrument of Apportionment shall have been altered by successive Instruments of altered Apportionment, so as in the Judgment of the Commissioners to render the Collection of the Rentcharge upon the Lands included in such Apportionment and altered Apportionments unreasonably

Power to Commissioners to alter Apportionment where successive

Alterations have made it inconvenient or difficult, but not to alter Amount, &c.

unreasonably inconvenient or difficult, the Commissioners may, upon the Application of the Person or Persons entitled to such Rentcharge or any Part thereof, and without Notice to or the Consent of any Owner of such Lands, make a further Instrument of altered Apportionment as regards the whole of the said Lands, or such Portions thereof as to them shall seem fit, but without making any Alteration in the Amount charged on the Lands of any particular Owner, and the altered Apportionment so made by the Commissioners shall be taken to be an Amendment of and in substitution for so much of the said original Apportionment and altered Apportionments as relates to the Lands included in the said lastly made altered Apportionment.

Power to Commissioners to alter Apportionment where Boundaries of Parishes have been altered.

XVI. Whenever any new Boundaries of Parishes shall have been or shall be set out upon any Inclosure or otherwise, and it shall appear to the Commissioners that the Apportionment of the Rentcharge in such Parishes is thereby rendered inconvenient, the Commissioners may make and confirm an altered Instrument of Apportionment adapted to the altered Distribution of the Lands in such Parishes or any of them, and to the new Boundaries which shall have been so set out, or otherwise the Commissioners may, by an Order under their Hands and Seal, declare the Lands which shall be affected by such Alteration of Boundaries, either with or without any other Lands comprised in such Inclosure, and whether such Lands are situate in One or more Parishes, to be a separate District for the Purposes herein-after mentioned, and may make and confirm an altered Instrument of Apportionment adapted to the altered Distribution of such Lands, with reference to the Owners both of the Lands and Rentcharge in such District, and the Commissioners may determine that the Amount of Rentcharge payable to each of the Owners of Rentcharge in such District shall be fixed and apportioned upon such particular Lands as to them shall seem convenient, so that no Lands are charged with more than their due Proportion of Rentcharge; and every such Determination shall be binding and conclusive, and such altered Apportionment, when confirmed, shall be annexed to the original Apportionment for that Parish from which the greatest Amount of Rentcharge is payable under the altered Apportionment, and Counterparts thereof shall be annexed to the original Apportionment for each of the other Parishes comprised in such District, and Copies thereof shall be deposited in respect of each several Parish comprised in the District, in conformity with the Provisions of the said recited Acts.

Powers for altering Apportionments or Awards.

XVII. All the Powers given by the said recited Acts or by this Act in relation to the Alteration of Instruments of Apportionment shall extend to all altered Apportionments and to Awards of Rentcharge

charge in lieu of Corn Rents, and to Awards under Local Acts by which any Rentcharge is awarded in lieu of Tithes, Glebe or Commonable or other Rights or Easements.

Tithes commuted for a Sum or Rate per Head may be converted into a Rentcharge.

XVIII. In any Case in which Tithes have been commuted for a Sum or Rate *per* Head to be paid for each Head of Cattle or Stock turned on Land subject to Common Rights or held or enjoyed in common, during the whole of the Year, the Commissioners may, upon the Application in Writing of any Person entitled to receive such Sum or Rate *per* Head, or of any Person who may be liable to pay the same or any Part thereof, by a Supplemental Award and Apportionment, by way of Supplement to the Apportionment under which such Rate *per* Head shall be now payable, convert the same into a gross Rentcharge, to be thereafter payable out of such Land.

Gross Rentcharge may be apportioned on Gated or Stinted Pastures.

XIX. Where a gross Rentcharge has been made payable in respect of the Tithes of any Gated or Stinted Pasture, and such Gates or Stints are rated to the Relief of the Poor, the Commissioners may, by the Instrument of Apportionment to be made of such Rentcharge, or by a Supplemental Award and Apportionment, where an Apportionment shall have been already made, upon the Application in Writing of the Person entitled to such Rentcharge, or of any Owner of a Gate or Stint, apportion such gross Rentcharge *pro rata* upon the Gates or Stints, and after such Apportionment or Supplemental Award and Apportionment the Owner of such Rentcharge shall have the same Powers for the Recovery of any Arrears thereof, by Distress on the Goods and Chattels of the Person rated to the Relief of the Poor in respect of the Gates or Stints the Rentcharge upon which is in arrear, as are given by the said recited Acts for the Recovery of Rentcharge in arrear, and such Powers of Distress may be exercised upon the Goods and Chattels of such Person, whether found upon the said Pasture or elsewhere.

Rentcharge on Commons may be commuted for a Part of the Land, or redeemed.

XX. In every other Case in which a gross Rentcharge is charged upon any Land subject to Common Rights, or held or enjoyed in common during the whole of the Year, the Commissioners shall, upon the Application in Writing of the Person entitled to such Rentcharge, or of any Person liable to pay the same or any Part thereof, convene a Meeting of the Owners of such Land and Persons liable to pay such Rentcharge, of which Twenty-one Days Notice shall be given in such Manner as to the Commissioners shall seem fit; and the Majority in Value of the Persons attending such Meeting may determine whether such Rentcharge shall be commuted for an equivalent Part of the Land on which it is chargeable, or be redeemed for a Sum equal to Twenty-five Times the Amount of such Rentcharge,

charge, to be paid by a Time to be limited by the Commissioners, and may further determine, if the Rentcharge is to be redeemed, whether the Redemption Money shall be raised by Rate on the Persons liable to such Rentcharge, or by Sale of a Portion of such Land: Provided always, that if no Determination be come to at such Meeting the Commissioners may proceed to commute the Rentcharge for Land as herein-after provided.

If Rentcharge is commuted for Land, Commissioners to set out the Land and to vest the same in Owner.

XXI. If the Rentcharge is to be commuted for Land, the Commissioners shall define and set out the Land to be so given, and shall vest the same in the Owner of the Rentcharge by an Award, to be made by them in like Manner as Awards of Exchange of Glebe for other Land are made under the said recited Acts, and subject to all the like Incidents.

Commissioners to set out Land to be sold for Purposes of Redemption.

XXII. If the Rentcharge is to be redeemed for a Sum to be raised by the Sale of a Portion of the Land liable to such Rentcharge, the Commissioners may define and set out such Part of the Land as may be sufficient in Value to meet the Redemption Money and the Expenses of Sale, and may sell and dispose of the same by Public Auction or Private Contract, as they may think expedient.

Conveyance of Land sold to be executed by Commissioners.

XXIII. Upon every such Sale the Commissioners shall sign and deliver to each Purchaser a Receipt for his Purchase Money, which shall be a sufficient Discharge for the same, and upon Receipt of the whole Purchase Money for any of the Lands which shall be sold as aforesaid the Commissioners shall convey such Lands and the Fee Simple and Inheritance thereof in Possession by Conveyance under their Hands and Seal to such Uses and in such Manner as such Purchasers shall direct, and after such Conveyance the Premises conveyed shall be Freehold of Inheritance, and shall be held to the Uses and in Manner expressed in such Conveyance; and any such Conveyance may be to the Effect set forth in the Schedule to this Act, and shall be Evidence of the Regularity of the Sale in pursuance of which such Conveyance shall be made.

Where Rate per Head is in arrear the same may be recovered by Distress.

XXIV. Wherever a Sum or Rate *per* Head shall be in arrear, the Arrears shall be recoverable by Distress and impounding of any Cattle, Stock, Goods, or Chattels belonging to the Person in respect of whose Cattle or Stock such Sum or Rate *per* Head is in arrear, wherever the same may be found.

Upon Inclosure, Rate per Head may be con-

XXV. Where any Lands in respect to the Cattle or Stock upon which any Sum or Rate *per* Head shall be payable shall be inclosed, divided, allotted, or exchanged, under the Powers of any General or Local

Local Act of Inclosure or otherwise, the Commissioners may, by the altered Apportionment which may be made by them, adapted to the altered Distribution of the said Lands, charge a Rentcharge equivalent to the Amount of the Sum or Rate *per* Head which shall have been previously payable, upon the Lands which shall have been allotted under the said Inclosure in lieu of the Rights in respect of which the said Sum or Rate *per* Head was made payable, which Rentcharge shall be thereafter payable out of the same Lands, in such Manner and Proportion as the said altered Apportionment shall direct.

verted into Rentcharge.

XXVI. Where by reason of the Size of the Map annexed to any Instrument of Apportionment, or other Circumstances, the Commissioners shall be of opinion that it is expedient that such Map should be detached and held separate from the said Instrument, the Commissioners may by an Order under their Hands direct that the said Map shall be so detached, and they may make the like Order upon the Application of the Incumbent and Churchwardens of any Parish or either of them, or the Registrar of any Diocese, in reference to the sealed Copy of any Instrument of Apportionment belonging to any such Parish, or held in the Custody of such Registrar, and thereupon every Map so detached shall have the same Force and Effect and be referred to as if the same were annexed to the said Apportionment, or the sealed Copies thereof.

Power to Commissioners to order Maps to be detached from Instruments of Apportionments.

XXVII. In any Case in which an Instrument of Apportionment or any Part thereof shall have been damaged or defaced, the Commissioners may by an Order under their Hands require the sealed Copy thereof which shall be deposited in the Parish or Registry of the Diocese to be delivered up to them, for a Time to be limited by such Order, for the Purpose of enabling them to restore such Portions of the said Instrument as shall have been so damaged or defaced, or of making an entire Copy of the said Instrument, which Instrument so restored, or entire Copy so made by them, being certified under their Hands and Seal, shall be of the same Force and have the same Effect as the said confirmed Instrument of Apportionment.

Provision for Restoration of damaged Instrument of Apportionment.

XXVIII. Whenever any Person, other than the Persons legally entitled to the Possession of the same, shall have Possession of the sealed Copy of any confirmed Instrument of Apportionment, it shall be lawful for any Two Justices of the Peace for the County or other Jurisdiction within which the Lands mentioned in the said Apportionment are situate, upon the Application of any Person interested in the Lands or Rentcharge, and upon Fourteen Days Notice in Writing of such Application to the Person or Persons in whose Custody such Copy

Justices may order an Instrument of Apportionment to be restored to proper Custody.

Copy shall be at the Time of such Application, to hear and determine such Application; and upon hearing such Application the said Justices may order such Copy to be removed from the Custody of the Person holding the same, and to be deposited in such other Custody as the said Justices, having Reference to the Security and due Preservation of such Copy, and to the Convenience of the Parties interested therein, may think fit, and may impose a Fine, not exceeding Twenty Shillings, for each Day that any such Copy shall be retained, contrary to the Terms of such Order, upon the Person so retaining it, and may make such further Order concerning the Notice to be given of such Removal and Deposit, and concerning the Costs of such Application and the said Fine, or of any Opposition thereto, as they may think reasonable.

Expenses of recovering Rentcharge.

XXIX. If a Rentcharge shall at any Time be in arrear and unpaid, and in order to enforce Payment thereof it shall become necessary for the Person entitled to the same to give Notice of his Intention to distrain upon the Lands liable to the Payment thereof for the Arrears of the said Rentcharge, according to the Provisions of the said recited Acts, the Owner of the Rentcharge shall in all Cases be entitled to Two Shillings and Sixpence for and in respect of each Notice which shall have been so issued, and such Sum shall be deemed and taken to be Part of the Rentcharge which is in arrear and unpaid, and shall be recoverable accordingly, in like Manner as the said Arrears of Rentcharge are recoverable.

Notice of Intention to distrain may be sent by Post.

XXX. Notice of Intention to distrain may be given in the Manner provided by the said recited Acts, or by sending it by the Post in a registered Letter to the Office or usual Place of Abode of the Person to whom the same is addressed.

Commissioners may order a Rentcharge not exceeding 15*l.* to be redeemed before Apportionment.

XXXI. Where, under any Agreement or Award which has been or hereafter shall be confirmed by the Commissioners, the Amount of the Rentcharge agreed or awarded to be paid instead of the Tithes of any Parish, and which shall not have been apportioned, shall not exceed the Sum of Fifteen Pounds, the Commissioners may, if they shall see fit, (and without the Consents of the Owner or Owners of the Lands chargeable with the said Rentcharge, or of the Person or Persons for the Time being entitled to the Receipt thereof,) by an Order under their Hands and Seal, direct that such Rentcharge shall be redeemed by the Payment by the Owners of the Lands chargeable therewith, within such Time as the Commissioners shall by such Order direct and appoint, of a Sum equal to Twenty-five Times the Amount of such Rentcharge.

XXXII. When-

XXXII. Whenever Lands charged with Rentcharge under any Instrument of Apportionment or altered Apportionment shall be divided for building or other Purposes into numerous Plots, and it shall appear to the Commissioners that no further Apportionment of the said Rentcharge can conveniently be made, the Commissioners may, if they shall see fit, upon the Application of any one Owner of the said Lands, and without the Consent of any other Owner, or of the Person for the Time being entitled to the Receipt of the said Rentcharge, and without Limitation as to the Amount thereof, by an Order under their Hands and Seal direct that such Rentcharge shall be redeemed by the Payment by the Owners of the Lands chargeable therewith, within such Time as the Commissioners shall by such Order direct and appoint, of a Sum equal to Twenty-five Times the Amount of such Rentcharge.

Where Land divided, Commissioners may order Rentcharge to be redeemed after Apportionment.

XXXIII. Whenever it shall be shown to the Satisfaction of the Commissioners that by reason of Error as to Boundary or otherwise any Rentcharge or Portion of Rentcharge shall have been charged by any confirmed Instrument of Apportionment on Lands not within the Parish in respect of the Tithes of which the aggregate Rentcharge, the Apportionment of which shall have been so confirmed, was agreed or awarded to be paid, the Commissioners may, if they shall see fit, upon the Application of the Owner or Owners of the said Lands, and without the Consent of any Owner of Land in the said Parish, or of the Person for the Time being entitled to the Receipt of the said Rentcharge, by an Order under their Hands and Seal, direct that such Rentcharge or Portion of Rentcharge so charged on Lands not within the Parish shall be redeemed by the Payment by the Owners of Lands charged with the Residue of the said Rentcharge by the said Apportionment, or any of them, within such Time as the said Commissioners shall by such Order direct and appoint, of a Sum equal to Twenty-five Times the Amount of such Rentcharge; and if there shall be any Question touching the Situation or Boundary of the Lands which shall be alleged to have been erroneously included in the said Apportionment, the Commissioners shall have the same Powers for hearing and determining the same as are given by the said first-recited Act for hearing and determining any Difference whereby the making of an Award of Rentcharge in lieu of Tithes is hindered.

Provision in Cases where Rentcharge has been charged on Lands which in consequence of Error in Boundary are not within the Parish where aggregate Charge is awarded.

XXXIV. Where any Land has been made chargeable with Rentcharges in lieu of Tithes for more than One Parish, the Commissioners, on being satisfied thereof, may determine in respect of which Parish the Rentcharge ought to have been charged, and may, by Order,

Provision for charging Rentcharge where Land made chargeable

for more than One Parish.

Order, direct such Rentcharge to be paid in respect of such Parish only.

Commissioners shall give Notice of their Intention to order compulsory Redemption.

XXXV. Before the Commissioners shall order the compulsory Redemption of any Rentcharge, they shall cause Notice to be given of their Intention in such Manner as to them shall seem fit, and shall by such Notice specify the Time (being not less than Twenty-one Days) within which Objections in Writing to such proposed Order may be signified to them; and in case any Notice of Objections shall be given within the Time limited as aforesaid, the Commissioners shall, by themselves or an Assistant Commissioner, take such Objections into their Consideration.

If Person refuse to receive Redemption Money, to be dealt with as if under Disability.

XXXVI. If the Person absolutely entitled to the Redemption Money refuses to receive the same, or if the Rentcharge be subject to Incumbrances, and the Commissioners shall consider that the Incumbrancers should be protected, such Redemption Money shall be dealt with as is provided in Cases where the Owner of the Rentcharge is only entitled thereto for a limited Estate.

Trustees may be appointed to receive Sums not exceeding 200*l.* payable to Corporation.

XXXVII. Where the Money to be paid for the Redemption of any Rentcharge does not exceed Two hundred Pounds, and the Person for the Time being entitled to such Rentcharge shall be a Corporation not authorized to make an absolute Sale of such Rentcharge otherwise than under the Provisions of the said recited Acts, the Redemption Money may be paid into the Hands of Trustees to be nominated by the Commissioners, by Order under their Hands and Seal, and the Money when so paid shall be applied by the Trustees, with the Consent of the Commissioners, to the Purposes to which Money to be paid for the Redemption of any Rentcharge into the Bank of *England* in the Name of the Accountant General is by the said recited Acts directed to be applied, and upon every Vacancy in the Office of such Trustees some other Person shall be appointed by the said Commissioners in like Manner.

Provisions of recited Acts applicable to Redemptions under this Act.

XXXVIII. The Provisions of the said recited Acts respecting the Redemption of Rentcharge (except as otherwise by this Act is provided) shall be applicable to all Cases of Redemption of Rentcharge effected under this Act.

Expenses and Redemption Money, how to be raised.

XXXIX. For the Purposes of making any altered Apportionment, supplemental Award and Apportionment, or Award of Rentcharge in lieu of Corn Rents, or for the Purpose of collecting any Redemption Money which may have been fixed as herein-before provided, and not paid by the Time in that Behalf limited, and of assessing the same

same Redemption Money, and all Expenses of or incidental to any such altered Apportionment, supplemental Award and Apportionment, or Award, or of any such Redemption (including, if the Commissioners shall see fit, the Expense of the Assistant Commissioner's Attendance at any Meetings which may be necessary in the Matter of any such altered Apportionment, supplemental Award and Apportionment, or Award, or of any such Redemption), between the Owners of the Lands liable to the Rentcharge to be re-apportioned or redeemed, or to the Rentcharge awarded in lieu of Corn Rents, or Persons to whom the said Corn Rents were payable, the Commissioners or an Assistant Commissioner may employ such Land Surveyors and Tithe Valuers or other Persons as to them shall seem fit, and all the Powers and Provisions of the said recited Acts concerning the Valuers appointed for the Purposes of an original Apportionment of Rentcharge, and concerning the Assessment and Recovery of the Expenses of an original Award of Rentcharge or Apportionment, so far as in the Discretion of the Commissioners shall seem fit, shall be and the same are hereby made applicable to the Land Surveyors, Tithe Valuers, or other Persons so employed, and to the Assessment, Collection, and Recovery of any such Redemption Money, and of all Expenses incidental to any such altered Apportionment, supplemental Award and Apportionment, or Award, or to any such Redemption; but the Commissioners shall, before they proceed to collect any such Redemption Money or Expenses, cause a Schedule showing the total Amount thereof, and the Share thereof to be borne by each Person interested, to be deposited for Inspection, in the same Manner as by the said recited Acts is required in reference to an Instrument of Apportionment, and shall cause Notice to be given of such Deposit in such Manner as to them shall seem fit, and shall by such Notice specify the Time (being not less than Twenty-one Days) within which Objections in Writing to such proposed Apportionment of the Redemption Money and Expenses may be signified to the Commissioners; and in case any Notice of Objections shall be given within the Time limited as aforesaid, the Commissioners shall, by themselves or by an Assistant Commissioner, take such Objections into their Consideration; and if there be no such Objections, or when the said Commissioners or Assistant Commissioner shall have heard and determined all such Objections, the Commissioners shall proceed to collect the said Redemption Money and Expenses as herein-before provided.

Informal Arrangements may be confirmed.

XL. Whenever Land or Money Payments, or both, have been given to the Titheowners of any Parish, and are now holden by them, instead of Tithes or Glebe or Commonable or other Rights or Ease-

ments,

ments, and it shall appear that such Land or Money Payments, or both, shall have been so given by virtue of any Act of Parliament the Provisions of which have not been fully carried out, or by virtue of any Arrangement which is not of legal Validity, the Commissioners may, if it shall appear just and expedient, having regard to all the Circumstances of or incident to the Case, by an Award confirm the Titheowner in possession of the said Land or Money, or both, and may confirm and render valid any such Arrangement, and may also award a Rentcharge, subject to the Provisions of the said recited Acts, when and in such Cases as to them shall seem fit; and, subject to such Confirmation and Award, the Commissioners may extinguish the Right of the Titheowners to the Perception of the said Tithes, or his Title to the said Glebe Rights or Easements, or to the Receipt of any Rentcharge instead thereof, other than the Rentcharge, if any, awarded over and above the Lands or Money, or both, so confirmed to them.

Copyhold and other Lands may be exchanged for Glebe.

XLI. So much of the said recited Acts as provides that the Land given to any Spiritual Person in exchange for Glebe of any Benefice shall be free from Incumbrances, and shall not be of Copyhold or Customary Tenure, subject to arbitrary Fine or the Render of Heriots, shall be repealed, and all Conditions, Charges, Incumbrances, and every other Incident affecting the Land so given shall upon such an Exchange be transferred to the said Glebe taken in exchange for the same Land; and the Glebe Land taken in exchange for any Copyhold or Customary Land shall be held of the Lord of the same Manor, under the same Rent, Custom, and Services as the said Copyhold or Customary Land previously was or ought to have been held, and without any new Admittance in respect thereof, but the Consent of the Lord of the same Manor shall be necessary to any Exchange in which any Land of Copyhold or Customary Tenure shall be included.

Formation of District within which extraordinary Charge in respect of Hop Grounds and Market Gardens shall be payable.

XLII. Whenever the Commissioners are requested in the Manner provided by the said recited Acts to charge an additional Rentcharge by way of extraordinary Charge upon any Hop Grounds or Market Gardens newly cultivated as such beyond the Limits of any District for which an extraordinary Charge for Hop Grounds or Market Gardens respectively shall have been already distinguished, the Commissioners may declare the Lands in the Parish in which such newly cultivated Hop Grounds or Market Gardens are situate a District within which the extraordinary Charge to be then fixed by them shall be thereafter payable.

XLIII. For

XLIII. For the Purpose of ascertaining the Extent of the Land cultivated as Hop Grounds or Market Gardens, the Person to whom any extraordinary Charge upon such Land is or would be payable, his Agents or Servants, at all reasonable Times, may enter upon the said Land, and make an Admeasurement and Plan of the same, without being subject to any Action or Molestation for so doing. Power to enter on Land.

XLIV. This Act shall be taken and construed as Part of the said first-recited Act, as amended and extended by the several Acts passed for the Amendment thereof, and by this Act. Recited Acts and this to be as One.

The

The SCHEDULE to which this Act refers.

Form of Conveyance by Commissioners.

In the Matter of

We, the Tithe Commissioners for England and Wales, by virtue of an Act of Parliament passed in the Year of the Reign of Queen Victoria, intituled [*here insert the Title of this Act*], and in consideration of the Sum of paid into our Hands by , being the Purchase Money of the Hereditaments hereinafter described, do by these Presents convey unto his Heirs and Assigns, all that [*here describe the Premises*], with the Appurtenances, to hold the same unto the said his Heirs and Assigns [*here state the Uses, Trusts, or Purposes of the Conveyance, as the Case may require*].

In witness whereof we have hereunto set our Hands and affixed our Seal, this Day of .

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1860.

ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

****

CAP. XCIV.

An Act to amend the Laws relating to the Militia.

[13th *August* 1860.]

WHEREAS it is expedient to amend the Laws relating to the Militia as herein-after provided: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power to unite Portions of Militias of Two or more Counties to form an Artillery Corps.

I. It shall be lawful for Her Majesty, by Order signified by One of the Principal Secretaries of State, and in *Ireland* for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by Order signed by his or their Chief Secretary or Under Secretary, from Time to Time to direct the respective Lord Lieutenants to unite such Portions of the Militia of Two or more Counties, Ridings, Divisions, or Places in *Great Britain* as may be specified in such Order, and to form such united Portions into a Corps of Militia Artillery, and to direct what Number of Officers, and of what respective Ranks, shall be appointed to such united Corps, and what shall constitute the Staff thereof, and what Officers shall be appointed by the several Lord Lieutenants respectively, and to direct in which of the several Counties, Ridings, Divisions, or Places the Arms,

 Accoutrements,

Accoutrements, Clothing, and other Stores belonging to the united Corps shall be kept, and by the same or any other Order to determine (as regards *England*) the Number of Justices to be elected on behalf of each County, Riding, Division, or Place, for forming a Committee for providing and maintaining the Storehouse in which such Arms, Accoutrements, Clothing, and other Stores are to be kept.

Appointment of Committee for providing Storehouse for united Militia Artillery Corps in England.

II. Where any such United Corps of Militia Artillery is formed in *England* the Justices of every County, Riding, Division, or Place from which such united Corps is formed shall, at the General or Quarter Sessions next after the said Order has been notified to them by the Lord Lieutenant, elect the Number of Justices mentioned in such Order, to be with the Justices elected in like Manner for every other such County, Riding, Division, or Place, a Committee for providing and maintaining such Storehouse as aforesaid:

In case any Member of any such Committee die, resign, or become incapable to act, the Justices for the County, Riding, Division, or Place for which he was elected, at any General or Quarter Sessions for such County, Riding, Division, or Place, shall elect some other Justice in his Place, but notwithstanding any Vacancy in any Committee the continuing Members may act as if no such Vacancy had occurred.

Meetings of Committee.

III. Every such Committee shall within One Month after their Election assemble at some convenient Place to be named in a Notice to be given by Two or more of the Members thereof to the several Members so elected, such Notice to be given to each Member personally or left at his Place of Abode, or transmitted through the Post Office Seven Days at least before the Time appointed for such Meeting, and the said Committee may adjourn the said Meeting from Time to Time and from Place to Place and meet when and so often as they think necessary, and they shall at their First Meeting elect One of their Members to be their Chairman, who shall preside at all Meetings at which he is present, and in case of his Absence from any Meeting the Members present shall elect One of their Number to be Chairman for the Meeting, who shall preside at the Meeting:

To constitute a Meeting of the Committee there shall not be less than Three Members, except for Adjournment, which may be made by less than Three, and every Question shall be determined by a Majority of Votes, the Chairman (whether permanent or temporary) having a Vote, and, in the event of Equality of Votes, having a Second or Casting Vote.

Powers of Committee.

IV. The said Committee or any Three of them shall have all the Powers for providing, repairing, enlarging, altering, and improving such

such Storehouse as aforesaid as are or may be given to the Justices of a County for providing, enlarging, altering, and improving any Storehouse for keeping the Arms and other Stores belonging to any Regiment of Militia of their County; and all the Provisions of such Act auxiliary to any such Powers, and in relation to any such Storehouse, shall extend and apply to and in the Case of the Powers conferred by this Enactment, and any Storehouse to be provided, altered, enlarged, or improved thereunder; and any Lands to be purchased for the Purposes of this Act shall be conveyed to such Persons, being not less than Five in Number, and in such Manner as the Committee purchasing the same may direct, in trust for the Purposes of this Act, and any Conveyance to be so made shall have the like Force and Effect as a Conveyance made under Section Eighty-one of "The Lands Clauses Consolidation Act, 1845."

Lands purchased for Purposes of this Act to be conveyed to Trustees.

V. When and so often as any Land purchased under this Act shall be vested in less than Three Trustees, or there shall not be any Trustee thereof living, it shall be lawful for the said Committee or any Three or more of them, by an Instrument in Writing under their Hands, to appoint such Number of new Trustees of such Land as may be thought fit, and such Appointment shall be deposited and kept among the Records of such One of the Counties, Ridings, Divisions, or Places interested therein as the Committee may think fit, and all the Estate and Interest in such Land which at the Time of such Appointment may be vested in any Trustee or Trustees in trust for the Purposes aforesaid, or in any other Person as Heir or Devisee, or otherwise subject to such Trust, shall, by virtue of such Appointment, vest in the Trustees so appointed, either alone, or if there be any continuing Trustees or Trustee jointly with such continuing Trustees or Trustee, as the Case may require, without any Conveyance or Assurance for that Purpose.

Power for the Appointment of new Trustees in case of Death, &c.

VI. The said Committee shall from Time to Time certify to the Treasurer of each County, Riding, Division, or Place for the Payment of the Amount to be contributed by such County, Riding, Division, or Place towards the Expenses incurred by such Committee, according to and in proportion to the Number of Men ordered to be contributed by such County, Riding, Division, or Place to the united Corps of Artillery; and every Treasurer to whom such Amount is so certified shall raise such Amount out of the same Funds and in the same Manner as Sums required for the Expenses of the Storehouse for the Militia of such County, Riding, Division, or Place, and pay the same in manner directed by the Certificate of the said Committee, and every such Certificate shall be signed by the said Committee or Three or more of them.

As to Payment of Expenses incurred by Committee.

VII. Where

Storehouse how to be provided in Scotland.

VII. Where any such united Corps of Militia Artillery is formed in *Scotland*, the Commissioners of Supply of the County in which the Stores thereof are directed to be kept shall, forthwith after the Order shall have been notified to them by the Lord Lieutenant, provide a secure and suitable Storehouse for keeping the Arms, Accoutrements, Clothing, and other Stores of the Corps; and all the Provisions and Powers applicable to the providing a Storehouse for the Militia of such County, and the Expenses incidental to the Use and Maintenance thereof, shall extend and be applicable to the providing a Storehouse for such united Corps, and the Expenses incidental to the Use and Maintenance thereof; and the Sums required as aforesaid shall be certified, contributed, and paid as now by Law provided, in the Cases where several Counties in *Scotland* contribute to the Expenses of a Place for the safe Custody of the Arms and Stores belonging to a united Corps of Militia.

Provision for Storehouses for united Militias.

VIII. Where the Militia of any County, Riding, Division, or Place in *England* is united with the Militia of any adjoining County, Riding, Division, or Place, the Enactments herein-before contained for providing for the keeping of the Arms, Accoutrements, Clothing, and Stores belonging to a united Corps of Militia Artillery, and concerning the Expenses of providing a Storehouse for such united Corps, and incidental to the Use and Maintenance thereof, shall be applicable in the Case of the Militia united as aforesaid, save that the Expenses shall be defrayed in proportion to the Quotas fixed for the respective Counties, Ridings, or Places of which the Militias are united.

Expenses of Storehouses in Ireland.

IX. Where any united Corps of Militia Artillery is formed in *Ireland*, or where the Militia of any County or County of a City in *Ireland* is united with the Militia of any adjoining County or County of a City, the Costs of providing, in such Place as the Lord Lieutenant or Chief Governor or Governors shall direct, the Storehouses for keeping the Arms, Accoutrements, Clothing, and other Stores of the united Corps of Militia Artillery, or of the Militias united as aforesaid, shall be defrayed by the several Counties, or Counties of Cities, from the Militias of which the Corps of Militia Artillery is formed, or of which the Militias are united (as the Case may be) according to and in proportion to the Number of Men contributed by each County or County of a City to the united Corps of Artillery, or in proportion to the Quotas fixed for each such County or County of a City of which the Militias are united, and the necessary Sums to be contributed by each County or County of a City for this Purpose, including any Arrears in respect of such Costs before the Transmission of the Certificate thereof, shall be raised

raised by the Presentment of the Grand Jury of each such County, and as to the Cities of *Dublin*, *Cork*, and *Limerick*, by the Town Councils of the Boroughs of *Dublin*, *Cork*, and *Limerick* respectively, on a Certificate of the Sum required, signed and transmitted in like Manner as provided in relation to the Cost of providing any House or Place for the keeping of the Arms, Accoutrements, Clothing, or other Stores of the Militia in such County or County of a City, by the Act of the Session holden in the Seventeenth and Eighteenth Years of Her Majesty, Chapter One hundred and seven, and all the Provisions of the said Act applicable to and in respect of such Costs shall be applicable to and in respect of the Sums to be contributed and raised in Ireland under this Act.

Payments to Counties in respect of Expenses of providing Quarters for Permanent Staff.

X. If the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall deem it expedient that the whole or any Number of the Permanent Staff of the Militia of any County or County of a City, or of the United Militia of any Counties, or of any united Artillery Corps, should be provided with Quarters in the Storehouse of such Militia, united Militia, or united Artillery Corps, it shall be lawful for the Grand Jury of such County or Counties, or for the Town Council of the Borough of *Dublin*, *Cork*, or *Limerick*, as the Case may be, to provide by Presentment the Cost of such Quarters; and in every such Case, and also where, in *England*, in any County, Riding, Division, or Place, the Justices in General or Quarter Sessions, or any Committee appointed under this Act, or in *Scotland* the Commissioners of Supply, add to the Buildings provided or to be provided for keeping the Arms and Stores of the Militia Quarters for such Number of the Permanent Staff as the Secretary of State shall deem expedient to be quartered as a Guard for the Arms and Stores, it shall be lawful for the Secretary of State from Time to Time, out of Monies to be provided by Parliament for this Purpose, to cause to be paid to the Treasurer of such County, Riding, Division, or Place, or such Commissioners of Supply, such yearly Sum as the Secretary of State may have agreed so to pay before such Quarters are provided, to be applied in aid of the Rates or Assessments out of which or of Monies raised on the Security of which the Expenses of providing such Quarters have been defrayed, and where such Expenses have been incurred on account of any united Corps of Militia or united Militias, such Sum shall be apportioned by the Secretary of State between or among the Counties, Ridings, Divisions, or Places which may have contributed to such Expenses in proportion to its Contribution thereto, and be paid to the Treasurers of the respective Counties, Ridings, Divisions, or Place, or the Commissioners of Supply of the respective Counties accordingly.

Provision in respect of Counties who have already provided Accommodation for permanent Staff.

XI. Where before the passing of this Act any Quarters shall have been provided for the permanent Staff of the Militia by any County, Riding, or Place, it shall be lawful for the Secretary of State, upon being satisfied of the Sufficiency of such Quarters, to approve thereof in the same Manner as if the same had been erected with his Sanction subsequent to the passing of this Act, and it shall thereupon be lawful for the Secretary of State to cause to be paid to the Treasurer of such County, Riding, or Place such yearly Sum as he may think fit, in the same Manner and to be applied for the same Purposes as if under the Provision herein-before contained such Sum had been agreed to be paid by him before such Quarters had been provided.

Treasurers of Counties to be accountable to Treasurers of Boroughs for Payments by Secretary of State.

XII. The Treasurer of every County, Riding, Division, or Place receiving any such Payment from the Secretary of State shall be accountable in respect thereof to the Treasurer of every Borough which may have contributed to the Expenses of providing the Quarters in proportion to its Contribution to such Expenses.

Borough Justices may administer Oaths to Militia Volunteers.

XIII. The Oath which under the Act of the Session holden in the Fifteenth and Sixteenth Years of Her Majesty, Chapter Fifty, is to be taken by every Volunteer raised as in the said Act mentioned, may be administered by any Justice of the Peace for any City or Borough, County, Riding, or Place where such Volunteer may happen to be.

Militia Volunteers may be drilled in addition to other Times of Training.

XIV. It shall be lawful for Her Majesty, by Order or Regulations signified by the Secretary of State, to direct that any Militia Volunteer, upon or at any Time after his Enrolment, be drilled, trained, or exercised by way of preliminary Instruction, at the Head Quarters of the Regiment, Battalion, or Corps in which he is enrolled, or at any other convenient Place, for any Time not exceeding Twenty-eight Days, although the Regiment, Battalion, or Corps, or any Part thereof, be not then called out for Training and Exercise, and during the Period of preliminary Instruction under this Provision the Volunteer shall be subject to the same Articles of War and to the same Laws in all respects as if he were a Militiaman lawfully called out for Training and Exercise; but such Period shall not be reckoned in lieu or in diminution of the Time in the same Year during which he might have been called out for Training and Exercise with all or any Part of the same Corps independently of this Enactment.

XV. And

Militia.

XV. And whereas by Section Twelve of the Act of the Session holden in the Twenty-second and Twenty-third Years of Her Majesty, Chapter Thirty-eight, after providing that every Deserter from the Militia, and every Person who in respect of any Offence against the Militia Laws is deemed a Deserter, may be tried by a Regimental Court-martial, or may be tried summarily by any Justice or Justices of the Peace as therein mentioned, it is enacted, that it shall be lawful for the Secretary-at-War to direct in which of the aforesaid Modes any such Deserter shall be tried: So much of the said Section as provides that it shall be lawful for the Secretary-at-War to direct in which of the aforesaid Modes any such Deserter shall be tried shall be repealed; and every such Deserter, and every such Person who in respect of any Offence against the Militia Laws is deemed a Deserter, shall be tried summarily by any Justice or Justices of the Peace having Jurisdiction under the said Section, unless it be shown to such Justice or Justices that the Secretary-at-War has ordered such Deserter or Person to be tried by a Regimental Court-martial under the Provision herein-after contained; and it shall be lawful for such Secretary-at-War, by any general or special Directions or Regulations, to order any such Deserter or Person, or any Class or Description of such Offenders, with reference to the Time or Circumstances of their being apprehended or otherwise, to be tried by Regimental Court-martial according to the Provisions in the said Section mentioned for such Trial, and every such Deserter or Person to whom such Desertion or Regulation is applicable shall thereupon be tried and dealt with accordingly.

So much of Sect. 12. of 22 & 23 Vict. c. 38. as provide the Modes in which Deserters shall be tried repealed.

Deserters, &c. may be tried summarily by Justices unless Secretary-at-War shall order otherwise.

XVI. Every Deserter from any Regiment, Battalion, or Corps of Militia of any Part of the United Kingdom which is embodied at the Time of such Desertion or afterwards, shall, whether he shall or shall not have been punished for his Offence, be liable to serve for an additional Period equal to the Time which may have elapsed between the Time of his Desertion and the Time when he is apprehended or voluntarily returns to his Regiment, Battalion, or Corps; the Period of such additional Service to commence from the Expiration of the Period for which he was enrolled, or from the Time of his Apprehension or Return, which may last happen.

Term of Service of Deserters from Embodied Militia extended.

XVII. It shall be lawful for the Colonel or Commanding Officer of any Regiment, Battalion, or Corps of Militia, pursuant to any Regulations or Directions of the Secretary at War, to authorize any Militia Volunteer or Volunteers belonging to such Regiment, Battalion, or Corps to enlist in Her Majesty's Regular Forces, and

Provision as to Enlistment of Militia Volunteers in the Regular Forces.

to

to give to any such Volunteer a conditional Discharge from the Militia, to become absolute on his being enlisted into, attested, and finally approved for Her Majesty's Regular Forces within a Time limited by such Colonel or Commanding Officer, in pursuance of such Regulations or Directions; and in case such Volunteer be so enlisted, attested, and finally approved within the Time so limited, his Enlistment shall be valid; but otherwise such Discharge shall be void.

Stoppage of Pay of Militiamen fraudulently enlisting in Her Majesty's Forces, &c., or entering the Navy.

XVIII. Except as herein-before provided, any Militiaman who enlists in Her Majesty's Regular Forces, or Her Majesty's *Indian* Forces, or Royal Marine Forces, or who enters Her Majesty's Navy, during the Continuance of his Engagement in the Militia, shall, if retained to serve in the Forces in which he has so enlisted or in the Navy, as the Case may be (in lieu of the Stoppages, if any, to which he may now by Law be liable), be subjected to a Stoppage of One Penny a Day of his Pay for Eighteen Calendar Months, to be applied as the Secretary of State shall direct; but no such Militiaman so enlisting or entering shall be released from his Engagement as a Militiaman, or be relieved from any Liability consequent on his wrongful Enlistment or Entry, save by or in pursuance of the Order of the Secretary of State, and which Order when the said Militiaman shall be within the United Kingdom shall be given only with the Consent of the Commanding Officer of the Regiment, Battalion, or Corps to which such Militiaman belongs, and his Service under such wrongful Enlistment or Entry shall not be reckoned for Pension until the Day on which his Engagement for the Militia would have expired.

Allowances for Travelling Expenses of Officers attending Courts-martial.

XIX. So much of the Act of the Fifty-fifth Year of King *George* the Third, Chapter One hundred and sixty-eight, Sections Three and Four, and of the Act of the Session holden in the Seventeenth and Eighteenth Years of Her Majesty, Chapter One hundred and six, Sections Fifty-five and Fifty-six, as provides that Officers attending to form Courts-martial shall be entitled to Two Shillings for every Mile for going to such Court-martial, at the Commencement thereof, and returning after the Conclusion of the Proceedings of the Court shall be repealed; and all Officers attending to form such Courts as in the said Sections mentioned shall be entitled to such Allowances for their Travelling Expenses in going to such Court-martial and returning therefrom, as the Secretary-at-War by Regulations may from Time to Time direct.

In case of Invasion or imminent

XX. It shall be lawful for Her Majesty, in case of actual Invasion or imminent Danger thereof, the Reason being first communicated to Parliament

Parliament if Parliament be then sitting, or declared in Council and notified by Proclamation if Parliament be not sitting or in being, to order and direct by Her Royal Proclamation that, in addition to the Number of Private Militiamen authorized to be raised and kept up for the Militia in *Scotland* by the Act passed in the Session holden in the Seventeenth and Eighteenth Years of Her Majesty, Chapter One hundred and six, there shall be forthwith raised and enrolled for the Militia in *Scotland* such Number of Men as to Her Majesty may seem fit, so as the whole Number of Men for the Time being raised for the Militia in *Scotland* shall not exceed Fifteen thousand Private Militiamen, and the Lieutenants and Deputy Lieutenants of the several Counties in *Scotland* shall forthwith proceed to raise and enrol such additional Men, at such Time or Times as shall be specified for that Purpose in such Proclamation; and all the Provisions applicable to the Militia raised in *Scotland* shall extend and be applicable to and for the raising, enrolling, training, and exercising, and the drawing out and embodying of the additional Men so ordered and directed to be raised and enrolled, and to the additional Men so raised: Provided always, that it shall be lawful for Her Majesty, whenever She may deem it expedient so to do, to reduce the whole or any Part of such additional Number of Men, and by Royal Proclamation to declare such Reduction accordingly.

Danger thereof, Her Majesty may raise the Militia in Scotland to 15,000 Men.

XXI. It shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, in case of actual Invasion or imminent Danger thereof, to be signified by Proclamation from such Lord Lieutenant or Chief Governor or Governors, to order and direct by Proclamation that, in addition to the Number of Private Militiamen authorized to be raised and kept up in *Ireland* by the Act passed in the Session holden in the Seventeenth and Eighteenth Years of Her Majesty, Chapter One hundred and seven, there shall be forthwith raised and enrolled for the Militia in *Ireland*, such Number of Men as to such Lord Lieutenant or Chief Governor or Governors may seem fit, so as the whole Number of Men for the Time being raised for the Militia in *Ireland* shall not exceed Forty-five thousand Private Militiamen, and the Lieutenants and Deputy Lieutenants of the several Counties and Places in *Ireland* shall forthwith proceed to raise and enrol such additional Men, at such Time or Times as shall be specified for that Purpose in such Proclamation; and all the Provisions applicable to the Militia raised in *Ireland* shall extend and be applicable to and for the raising, enrolling, training, and exercising, and the drawing out and embodying of the additional Men so ordered and directed to be raised and enrolled, and to the additional Men so raised: Provided always, that it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, whenever

Militia of Ireland may be increased in like Cases to 45,000.

whenever he or they may deem it expedient so to do, to reduce the whole or any Part of such additional Number of Men, and by Proclamation to declare such Reduction accordingly.

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ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

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Amendment of the Law of Entail in Scotland, and the other passed in the Session of Parliament holden in the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, intituled *An Act to extend the Benefits of the Act of the Eleventh and Twelfth Years of Her present Majesty, for the Amendment of the Law of Entail in* Scotland: And whereas the Second and Third recited Acts contain various Enactments providing that Monies or Balances of Monies derived from the Sale of Portions of entailed Estates, or of Rights or Interests in or concerning such Estates, or in respect of permanent Damage done thereto, and Monies or Balances of Monies invested or held in trust for the Purpose of purchasing Lands to be entailed, may, under the Authority of the Court of Session, be applied, *inter alia*, in permanently improving such entailed Estates or Lands, or in Repayment of Money already expended in such Improvements: And whereas it is expedient to facilitate the Erection of Cottages for Labourers, Farm Servants, and Artisans by the Proprietors of entailed Estates in *Scotland:* And whereas Doubts are entertained how far the Erection of such Cottages is within the Provisions of the said Act of the Tenth Year of His Majesty King *George* the Third: Be it therefore declared and enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

16 & 17 Vict. c. 94.

Provisions of recited Acts as to Improvements of entailed Estates to include Erection of Cottages.

I. All the Provisions of the recited Acts which relate or apply to Improvements of entailed Estates shall be held and construed as including and applying to the Erection of Cottages for the Labourers, Farm Servants, and Artisans upon such Estates, in the same Manner in all respects as if the Erection of such Cottages had been specified in the Ninth Section of the first-recited Act among the other Improvements therein mentioned.

Erection of Cottages to be held as permanent Improvements contemplated by 11 & 12 Vict. c. 36. and 16 & 17 Vict. c. 94.

II. The Erection of Cottages for the Labourers, Farm Servants, and Artisans upon entailed Estates, or upon Lands towards the Improvement of which such Monies or Balances of Monies as aforesaid are applicable under the Powers of the Second and Third recited Acts, shall be held to be one of the permanent Improvements of such Estates or Lands contemplated by the Second and Third recited Acts; and all the Provisions of those Acts which relate to permanent Improvements of such Estates or Lands shall be held and construed as including and applying to the Erection of such Cottages.

Court or Sheriff to be satisfied that entailed Estates will be permanently

III. Provided always, That nothing in this Act contained shall authorize the Creation of any Charge upon entailed Estates, or against succeeding Heirs of Entail, in respect of the Erection of Cottages, or shall authorize the Application towards the Erection of Cottages

Cottages of any Monies in which succeeding Heirs of Entail are interested, unless the Court before which Proceedings in pursuance of the recited Acts, or any of them, shall be taken shall be satisfied that the said Estates or the succeeding Heirs of Entail will be permanently benefited to the Extent of the Charge so created or Monies so applied, and that the Cottages in respect of which such Charge is created, or towards the Erection of which such Monies are applied, have been completed in a proper and substantial Manner.

benefited, and that Cottages have been substantially erected.

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ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ

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CAP. XCVI.

An Act to amend the Police of Towns Improvement Act, so as to enable Towns and populous Places in *Scotland* to avail themselves of its Provisions for sanitary and other Improvements, without at the same Time adopting its Provisions as regards the Establishment and Maintenance of a Police Force. [13th *August* 1860.]

WHEREAS an Act was passed in the Thirteenth and Fourteenth Year of the Reign of Her present Majesty, Chapter Thirty three, intituled *An Act to make more effectual Provision for regulating the Police of Towns and populous Places in* Scotland, *and for paving, draining, cleansing, lighting, and improving the same:* And whereas it is expedient to amend certain Provisions contained in the said Act, and to extend the same in manner herein provided: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: 13 & 14 Vict. c. 33.

I. The

Householders may adopt certain Provisions of recited Act without those for Establishment of Police, &c.

I. The Householders of any Burgh, Town, or populous Place, as defined in the said recited Act, may adopt the Provisions of the said Act relating to any Matter or Thing thereby provided for and authorized to be adopted, or to any One or more of the said Matters or Things, although they do not adopt the Provisions relating to the Establishment and Maintenance of a Police Force within such Burgh, Town, or populous Place, in the Manner required by the said Act.

Two or more contiguous Burghs, &c. may adopt Provisions of recited Act.

II. The said recited Act shall be held to extend and apply to Two or more contiguous Burghs, Towns, or populous Places as defined in the said Act; and it shall be lawful for such contiguous Burghs, Towns, or populous Places to unite in adopting the Provisions of the said Act, either in whole or in part, as authorized by this Act; and such Burghs, Towns, or populous Places shall, when so uniting, be held to form One Burgh, Town, or populous Place for the Purposes of the said Act and this Act.

Annual Accounts may be made up for the Year ending at Whitsunday, and One Auditor to be sufficient.

III. It shall be lawful for the Commissioners for any such Burgh, Town, or populous Place to make up their yearly Accounts under the said Act for the Period extending from the Term of *Whitsunday* in One Year to the Term of *Whitsunday* ensuing in the next Year, and to lay such Accounts before the Statutory Meeting of Commissioners in the Month of *August* in each Year, and such Commissioners may, if they see fit, nominate One Auditor only, in place of Two.

Commissioners may borrow on Security of Assessments due and unpaid.

IV. It shall be lawful for the Commissioners, if they shall find it necessary in any Year to make Disbursements for the Purposes of the recited Act beyond the Amount recovered of Assessments actually made and applicable to the Expenditure of such Year, to borrow Money on the Security of such Part of the Assessments as shall be due and unpaid, but not to an Amount greater than One Half of such Part; and when any Money has been so borrowed it shall not be competent thereafter to borrow on the Security of any other Assessments leviable under the said Act until the Money so borrowed shall have been paid off; but nothing herein contained shall affect the Three hundred and fortieth Section of the said Act.

Proprietors may redeem Sewer Rates without being liable for future Interest on Debt.

V. At any Time before the Expiration of the Period for paying off any Loan contracted by the Commissioners, and any Expenses for which any General Sewer Rate or Assessment or any Special District Sewer Rate or Assessment has been made, the Owner or Occupier of the Premises assessed may redeem the future Assessment leviable in respect of such Premises, without being chargeable with any of the future Interest on the Debt.

VI. The

Police and Towns Improvement (Scotland) Act Amendment.

VI. The Provisions of the said Act, so far as the same are not inconsistent with the Enactments herein-before contained, shall be construed with such Enactments as One Act. Recited Act and this Act to be construed together.

VII. This Act may be cited as "The Police of Towns (*Scotland*) Amendment Act, 1860." Short Title.

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ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

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C.A P. XCVII.

An Act for amending and making perpetual the Railways Act, *Ireland* (1851). [13th *August* 1860.]

WHEREAS it is expedient that "The Railways Act, (*Ireland*), 1851," should be amended as herein-after provided, and that with such Amendments the said Act should be made perpetual: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: 14 & 15 Vict. c. 70.

I. The Words "Twenty-one" shall be substituted for the Words "Thirty-one" in the Eighth Section of the said Act, and the Word "Fourteen" shall be substituted for the Words "Twenty-one" in the Ninth Section of the same Act. Periods of Notices shortened.

II. The Twenty-second Section of the said Act is hereby repealed; and in lieu thereof be it enacted, That when the Company are desirous, for the Purposes of their Works, of entering upon any Lands before they would be entitled to enter thereon under the Provisions in the said Act, as amended by this Act, it shall be lawful for the Company, at any Time after the Arbitrator shall have framed his Draft Award, upon depositing in the Bank of *Ireland* as herein directed such Sum or Sums as the After Deposit of Draft Award Company may, upon Deposit of such Amount as Arbitrator may think fit, enter on Lands.

the Arbitrator may certify to be in his Opinion the proper Amount to be so deposited in respect of any Lands authorized to be purchased or taken by the Company, and mentioned in such Draft Award, or of the several Interests in such Lands in respect of which no Agreement shall have been come to between the Company and the Persons entitled thereto, to enter upon and use such Lands for the Purpose of the Railway and Works of the Company; and the Arbitrator shall, upon the Request of the Company, at any Time after he shall have framed such Draft Award, certify under his Hand the Sum or Sums which in his Opinion should be so deposited by the Company in respect of any Lands mentioned in such Draft Award, or of any such Interests therein as aforesaid, before they enter upon or use the same as aforesaid, and the Sum or Sums to be so certified shall be the Sum or Sums set forth in such Draft Award as payable by the Company in respect of such Lands or of such Interests in such Lands in respect of which no Agreement shall have been come to between the Company and the Persons entitled thereto, or such greater Amounts as to the Arbitrator under the Circumstances of the Case shall seem proper; and notwithstanding such Entry as aforesaid, all Proceedings for and in relation to the Completion of the said Award, the Delivery of Certificates, and other Proceedings under the said Act as amended by this Act, and under this Act, shall be had, and Payments made as if such Entry and Deposit had not been made: Provided that the Company shall, where they enter upon any Lands by virtue of this present Provision, pay Interest at the Rate of Five Pounds *per Centum per Annum* upon the Purchase and Compensation Money payable by them in respect of any Lands so entered upon from the Time of their Entry until the Time of the Payment of such Purchase Money and Compensation to the Person entitled thereto, or where, under the Provisions of the said Act as amended by this Act, such Purchase Money or Compensation is required to be paid into the said Bank, then until the same with such Interest is paid into such Bank accordingly; and where under this Provision Interest is payable on any Purchase or Compensation Money, the Certificate to be delivered by the Company in respect thereof shall specify that Interest is so payable, and the same shall be recoverable in like Manner as the Principal Money mentioned in such Certificate.

Mode of Deposit.

III. The Twenty-third Section of the said Act is hereby repealed; and in lieu thereof be it enacted, That the Sum or Sums to be deposited as aforesaid in respect of any Lands or any Interests in any Lands shall be paid into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the Court of Chancery in

in *Ireland*, to be placed to his Account there, to the Credit of the Company (describing the Company by its proper Name), in the Matter of "The Railways Act (*Ireland*), 1851," and of the respective Owners of the Lands or of the Interests in Lands in respect of which the same is or are paid as aforesaid, subject to the Control or Disposition of the said Court, and upon such Deposit the Cashier of the said Bank shall give to the Company, or the Party paying in such Money by their Direction, a Receipt for the same.

Deposit to remain as a Security, and to be applied under Direction of the Court of Chancery.

IV. The Twenty-fourth Section of the said Act is hereby repealed; and in lieu thereof be it enacted, That the Sum or Sums of Money so deposited as last aforesaid shall remain in the Bank by way of Security to the Parties respectively in respect of whose Interests in the Lands which shall so have been entered upon such Sum or Sums shall have been deposited for the Payment of the Money to become payable by the Company to such Parties respectively, for their respective Interests in such Lands under the Award of the Arbitrator; and the Money so deposited may, on Application by Petition of the Company, be ordered to be invested in Bank Annuities or Government Securities, and accumulated; and upon such Payment as aforesaid by the Company it shall be lawful for the Court of Chancery in *Ireland*, upon a like Application, to order the Money so deposited, or the Funds in which the same shall have been invested, together with the Accumulation thereof, to be repaid or transferred to the Company or in default of such Payment as aforesaid by the Company, it shall be lawful for the said Court to order the same to be applied in such Manner as it shall think fit for the Benefit of the Parties for whose Security the same shall so have been deposited.

Apportionment of Rentcharge, &c. where Part only of the Land charged is required.

V. If Part only of the Lands charged with any Rentcharge or Fee-farm Rent be required to be taken for the Purposes of the Special Act, the Apportionment of any such Rent or Rentcharge may be settled by Agreement between the Party entitled to the same and the Owner of the Lands on the one Part and the Promoters of the Undertaking on the other Part, and if such Apportionment be not settled by Agreement the same shall be settled by the Arbitrator; and the Owner of the Rentcharge or Fee-farm Rent shall have all the same Rights and Remedies for the Recovery of such apportioned Part, as against the Lands not required for the Purposes of the Special Act, as previously to such Apportionment he had for Recovery of the entire.

Apportionment of Rent of Lands under Lease where

VI. If any Lands shall be comprised in a Lease for a Life or Lives or for a Term of Years unexpired, Part only of which Lands shall be required for the Purposes of the Special Act, the Rent payable

Part only of such Lands is required.

payable in respect of the Lands comprised in such Lease shall be apportioned between the Lands so required and the Residue of such Lands, and such Apportionment may be settled by Agreement between the Lessor and Lessee of such Lands on the one Part, and the Promoters of the Undertaking on the other Part, and if such Apportionment be not so settled by Agreement between the Parties, such Apportionment shall be settled by the Arbitrator, and after such Apportionment the Lessee of such Lands shall as to all future accruing Rent be liable only to so much of the Rent as shall be apportioned in respect of the Lands not required for the Purposes of the Special Act; and as to the Land not so required, and as against the Lessee, the Lessor shall have the same Rights and Remedies for the Recovery of such Portion of Rent as previously to such Apportionment he had for the Recovery of the whole Rent reserved by such Lease; and all the Covenants, Conditions, and Agreements of such Lease, except as to the Amount of Rent to be paid, shall remain in force with regard to that Part of the Land which shall not be required for the Purposes of the Special Act, in the same Manner as they would have done in case such Part only has been included in the Lease.

Costs in case of Traverse.

VII. In case upon the Trial of any Traverse under the Provisions of the said Act it shall appear that the Sum awarded to the Traverser by the Jury shall be less than the Sum awarded by the Arbitrator, it shall be lawful for the Judge, if he shall think fit, to adjudge that such Traverser is not entitled to any Costs of such Traverse, or that the Company is entitled to Costs not exceeding the Sum of Ten Pounds against such Traverser; and such Adjudication of such Judge shall be entered in the Crown Book, and such Costs so awarded shall be deducted from the Purchase or Compensation Money payable by the Company to such Traverser, or shall be recovered from him by Distress in like Manner as is provided by the Fifty-third Section of "The Lands Clauses Consolidation Act, 1845," with respect to Costs payable to Promoters.

Acts to be as One Act, and to be perpetual.

VIII. "The Railways Act (*Ireland*), 1851," as amended by this Act, and this Act, shall be read together as One Act, and shall be made perpetual, and this Act shall be held to be incorporated with that Act in any Act already or hereafter incorporating that Act.

Short Title.

IX. This Act may be cited as "The Railways Act (*Ireland*), 1860."

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ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

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Registrars Districts to be formed into Enumerator's Divisions.

III. Every Registrar's District in *Scotland* shall be formed into Enumerator's Divisions according to Instructions to be prepared by or under the Direction of such Secretary of State, who shall cause a sufficient Number of Copies of such Instructions to be sent to every Registrar of Births, Deaths, and Marriages in *Scotland*; and the Registrars, with all convenient Speed, shall divide the several Districts into Enumerator's Divisions according to such Instructions, and subject in each Case to be revised by the Sheriff of the County or the Magistrates of the Burgh, as the Case may be.

Enumerators to be appointed.

IV. The several Registrars of Births, Deaths, and Marriages in *Scotland* shall make and return to the Sheriff of the County, or to the Chief Magistrate of the Burgh, as the Case may be, a List containing the Names and Places of Abode of a sufficient Number of Persons, duly qualified according to Instructions to be prepared by or under the Direction of such Secretary of State, to act as Enumerators within their several Districts, and such Persons, when approved of by the Sheriff or Magistrates, shall be appointed by the Registrar, by any Writing under his Hand, Enumerators for taking the Census; and the Registrar, with the like Approval, shall assign a Division to each Enumerator, and shall distribute to the several Enumerators in his District the Forms and Instructions which shall have been issued for that Purpose by the Registrar General, and shall personally ascertain that each Enumerator thoroughly understands the Manner in which the Duties required of him are to be performed.

Householders Schedules to be left at Dwelling Houses.

V. Schedules shall be prepared by or under the Direction of such Secretary of State for the Purpose of being filled up by or on behalf of the several Occupiers of Dwelling Houses as herein-after provided, with Particulars of the Name, Sex, Age, Rank, Profession, or Occupation, Condition, Relation to Head of Family, and Birth-place of every living Person who abode in every House on the Night of *Sunday* the Seventh Day of *April* One thousand eight hundred and sixty-one, and also whether any were blind, or deaf and dumb, and also whether any, and how many, of such Persons, being of the Age of from Five to Fifteen Years, attended School during the Week preceding; and the Registrars in *Scotland* shall in the course of the Week ending on *Saturday* the Sixth Day of *April* in the Year One thousand eight hundred and sixty-one leave or cause to be left at every Dwelling House within their respective Districts One or more of the said Schedules for the Occupier or Occupiers thereof or of any Part thereof, and upon every such Schedule shall be plainly expressed that it is to be filled up by the Occupier of such Dwelling House, (or where such Dwelling House is let in different Stories or Apartments, and occupied distinctly by different Persons or Families, by the Occupier

Occupier of each such distinct Story or Apartment,) and that the Enumerator will collect all such Schedules within his Division on the *Monday* then next following; and every Occupier of any Dwelling House, or of any distinct Story or Apartment in any Dwelling House, with or for whom any such Schedule shall have been left as aforesaid, shall fill up the said Schedule to the best of his or her Knowledge and Belief, so far as relates to all Persons dwelling in the House, Story, or Apartment occupied by him or her, and shall sign his or her Name thereunto, and shall deliver the Schedule, so filled up, or cause the same to be delivered, to the Enumerator, when required so to do; and every such Occupier who shall wilfully refuse or without lawful Excuse neglect to fill up the said Schedule to the best of his or her Knowledge and Belief, or to sign and deliver the same as herein required, or who shall wilfully make, sign, or deliver, or cause to be made, signed, or delivered, any false Return of all or any of the Matters specified in the said Schedule, shall forfeit a Sum not more than Five Pounds nor less than Twenty Shillings.

Occupiers to fill up the Schedules and sign and deliver them to the Enumerator.

Penalty for Neglect.

VI. The Enumerators shall visit every House in their respective Divisions, and shall collect all the Schedules so left within their Division from House to House, so far as may be possible, on *Monday* the Eighth Day of *April* in the Year One thousand eight hundred and sixty-one, and shall complete such of the Schedules as upon Delivery thereof to them shall appear to be defective, and correct such as they shall find to be erroneous, and shall copy the Schedules, when completed and corrected, into Books to be provided them for that Purpose, and shall add thereunto an Account, according to the best Information which they shall be able to obtain, of all the other Persons living within their Division who shall not be included in the Schedules so collected by them.

Schedules to be collected from House to House, and corrected if found to be erroneous.

VII. Every Enumerator shall also take an Account of the occupied Houses, and of the Houses then building and therefore uninhabited, and also of all other uninhabited Houses within his Division, stating the Number of Rooms having a Window or Windows in each Dwelling House; and shall also take an Account of all such Particulars herein-before mentioned, and none other, as by the Forms and Instructions which may be issued under this Act they may be directed to inquire into; and in the Book into which he shall have copied the Householders Schedules and other Particulars, as herein-before directed, each Enumerator shall distinguish the several Parishes and Places maintaining their own Poor within his Division, or such Parts thereof as shall be within his Division, and shall also distinguish those Parishes and Places or Parts of Parishes and Places within his Division which are within the Limits of any City or Borough returning or contributing to return a Member or Members

Enumerators to take an Account of Houses, &c., and to distinguish the Boundaries of Parishes, Boroughs, &c.

Enumerators to deliver their Books, with the Householders Schedules to the Registrar.

Members to serve in Parliament, or of any incorporated City or Borough; and shall deliver such Book to the Registrar of the District, together with the Householders Schedules collected by him, and shall sign a Form or Declaration to the Effect that the said Book has been truly and faithfully filled up by him, and that to the best of his Knowledge the same is correct, so far as may be known; which Form of Declaration shall be prepared by or under the Direction of such Secretary of State, and issued by the Registrar General with the Forms and Instructions aforesaid.

Registrars to verify the Enumerator's Books, and deliver them to the Sheriff, &c.

VIII. The Registrar to whom such Enumeration Book shall be delivered shall examine the same, and shall satisfy himself that the Instructions in each Case have been punctually fulfilled, and if not shall cause any Defect or Inaccuracy in the said Book to be supplied, so far as may appear possible; and when the Books shall have been made as accurate as is possible the Registrar shall deliver them to the Sheriff of the County or the Chief Magistrate of the Burgh, as the Case may be, as herein-after provided.

Returns to be given to the Sheriffs of Counties and Chief Magistrates of Burghs.

IX. The Sheriff of every County and the Chief Magistrate of every Royal or Parliamentary Burgh in *Scotland* shall appoint a Time or Times, which shall not be earlier than the Fifteenth nor later than the Thirtieth Day of *April* One thousand eight hundred and sixty-one, for the Registrars of Districts within their respective Jurisdictions to attend at their respective Offices, or such other Places as they may appoint, with the Returns to be made under this Act, of which Times and Places Intimation shall be given to the Registrars in such Manner as shall be directed by the Sheriffs and Magistrates respectively, who shall then and there receive from the Registrars the Returns to be made as aforesaid, and cause every Registrar to make a Declaration to the Effect that the said Account has been truly and faithfully taken, and that to the best of his Knowledge the same is correct; and the Sheriffs and Magistrates, if they see Cause, may examine the Registrars touching any of the Matters to which the Returns relate, and shall thereafter direct the Clerks of their respective Jurisdictions to endorse the same (if not previously endorsed) with the Name of the County, and District thereof wherein the Parish or Place therein mentioned is situate, or otherwise (where any of the said Sheriffs shall think proper) they shall direct the Registrar to verify the said Returns before any Justice of the Peace of their respective Counties, and thereafter to transmit the same previously to the said Thirtieth Day of *April* in any convenient Manner to the said Sheriffs, who shall direct the same to be endorsed as aforesaid.

X. The

X. The Sheriffs of Counties and the Chief Magistrates of Royal or Parliamentary Burghs in *Scotland* shall, on or before the First Day of *June* One thousand eight hundred and sixty-one, transmit the several original Enumeration Books by them received from the Registrars (together with a List of the Parishes and Places within their respective Counties and Burghs from whence no Returns have been made to them) to the Office of the Registrar General for *Scotland* for the Use of the Secretary of State.

Sheriffs of Counties and Chief Magistrates of Burghs to receive the Returns and transmit them to the Registrar General.

XI. The Secretary of State shall cause an Abstract to be made of the said Returns; and such Abstract shall be printed, and laid before both Houses of Parliament within Twelve Calendar Months next after the First Day of *June* in the Year One thousand eight hundred and sixty-one, if Parliament be sitting, or, if Parliament be not sitting, then within the first Fourteen Days of the Session then next ensuing.

An Abstract of Returns to be printed, and laid before Parliament.

XII. The Master or Keeper of every Gaol, Prison, or House of Correction, Workhouse, Hospital, or Lunatic Asylum, and of every Public or Charitable Institution, which shall be determined upon by the said Registrar General, shall be the Enumerator of the Inmates thereof, and shall be bound to conform to such Instructions as shall be sent to him by the Authority of One of the said Secretaries of State, for obtaining the Returns required by this Act, so far as may be practicable, with respect to such Inmates.

Masters, &c. of Gaols, &c. to be appointed Enumerators of the Inmates thereof.

XIII. The Secretary of State shall obtain, by such Ways and Means as shall appear to him best adapted for the Purpose, Returns of the Particulars required by this Act with respect to all houseless Persons, and all Persons who during the said Night of *Sunday* the Seventh Day of *April* were travelling or on Shipboard, or for any other Reason were not abiding in any House of which Account is to be taken by the Enumerators, and other Persons as aforesaid, and shall include such Returns in the Abstract to be made by him as aforesaid.

Returns of houseless Poor and of Persons travelling or on Shipboard.

XIV. One of the said Secretaries of State shall cause to be prepared a Table of Allowances to be made to the several Enumerators, Registrars, Sheriff Clerks, Town Clerks, and other Persons in *Scotland* employed in the Execution of this Act; and such Table, when approved by the Commissioners of Her Majesty's Treasury, shall be laid before both Houses of Parliament on or before the First Day of *March* One thousand eight hundred and sixty-one, if Parliament be sitting, or, if Parliament be not sitting, then within the first Fourteen Days of the Session then next ensuing.

Table of Allowances to Enumerators and other Persons employed.

Payments to be certified to the Registrar General.

XV. The Sheriff of every County and the Chief Magistrate of every Burgh in *Scotland* shall, within One Calendar Month next after the taking of the Census, certify to the said Registrar General the total Amount of the Allowances to which the Registrars, Enumerators, Sheriff Clerks, Town Clerks, and other Persons are respectively entitled, according to the said Table.

Manner in which the Payments shall be made to Persons employed in Execution of this Act.

XVI. The Sheriffs of Counties and the Chief Magistrates of Royal or Parliamentary Burghs in *Scotland* shall grant to the Sheriff Clerks and Town Clerks respectively, and to the several Registrars, Enumerators, or other Persons employed in the Execution of this Act, such Allowances as shall have been certified as herein-before provided, together with any necessary Expenses incurred by them or any of them in the Execution of this Act, and shall order Payment thereof to be made by the Collector of the Land Tax for the County or other Place out of any Money in his Hands, and such Collector shall pay the same accordingly; and the Receipts to be given by the Enumerators and other Persons, and Registrars, for Payment of their said Allowances, shall be delivered to the Sheriff Clerk or Town Clerk, as the Case may be, who shall transmit the same, together with the Receipt for his own Allowance, to the Registrar General: Provided always, that no such Payment shall be made to any Enumerator or other Person who shall be required to act as an Enumerator under this Act, but upon Production of a Certificate under the Hand of the Registrar that the Duties required of such Enumerator or other Person acting as Enumerator by this Act have been faithfully performed, and the like Certificate shall be required under the Hand of the Sheriff or Chief Magistrate, as the Case may be, with respect to the Registrar before any Payment shall be made to them.

Penalty for wilful Default.

XVII. Every Registrar, and every Enumerator and other Person who shall be required to act as Enumerator, so appointed as aforesaid, making wilful Default in any of the Matters required of them respectively by this Act, or making any wilfully false Declaration, shall for every such wilful Default or false Declaration forfeit a Sum not exceeding Five Pounds nor less than Two Pounds.

Penalty for refusing Information or giving false Answers.

XVIII. The Enumerators and other Persons employed in the Execution of this Act shall be authorized to ask all such Questions as shall be directed in any Instructions to be prepared by or under the Direction of the said Secretary of State, which shall be necessary for obtaining the Returns required by this Act; and every Person refusing to answer or wilfully giving a false Answer to such Questions or any of them shall for every such Refusal or wilfully false Answer forfeit

forfeit a Sum not exceeding Five Pounds nor less than Twenty Shillings.

XIX. All Penalties imposed by this Act shall be recovered in a summary Manner before Two Justices of the Peace or Magistrates having Jurisdiction in the County or Place where the Offence is committed, in the Manner prescribed by Law in this Behalf; and shall be paid, One Half to the Informer, and the other Half to the Treasurer of the County or Place for which the Justices before whom the Forfeiture is recovered shall have acted, to be by him applied in aid of the Expenditure. Recovery and Application of Penalties.

XX. The Word "Sheriff" shall include "Sheriff Substitute," and the Words "Dwelling House" shall include all Buildings and Tenements of which the whole or any Part shall be used for the Purpose of Human Habitation. Interpretation of Terms.

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ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

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CAP. XCIX.

An Act to continue the Corrupt Practices Prevention Act (1854). [20th *August* 1860.]

WHEREAS an Act was passed in the Session holden in the Seventeenth and Eighteenth Years of Her Majesty, Chapter One hundred and two, "to consolidate and "amend the Laws relating to Bribery, Treating, and undue Influence "at Elections of Members of Parliament;" and such Act was amended by an Act of the Session holden in the Twenty-first and Twenty-second Years of Her Majesty, Chapter Eighty-seven: And whereas the said first-mentioned Act as so amended has, by an Act of the Session holden in the Twenty-second and Twenty-third Years of Her Majesty, Chapter Forty-eight, been continued until the Tenth Day of *August* One thousand eight hundred and sixty, and it is expedient that it should be further continued: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

17 & 18 Vict. c. 102.

21 & 22 Vict. c. 87.

22 & 23 Vict. c. 48.

 The

Corrupt Practices Prevention Act (1854) *Continuance.*

Duration of Act.

The said first-mentioned Act, as amended by the said Act of the Twenty-first and Twenty-second Years of Her Majesty, shall continue in force until the Tenth Day of *August* One thousand eight hundred and sixty-one.

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VICTORIÆ REGINÆ.

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CAP. C.

An Act to repeal so much of the Act of the Twenty-second and Twenty-third *Victoria*, Chapter Twenty-seven, and of certain other Acts, as authorizes the Secretary of State in Council to give Directions for raising *European* Forces for the *Indian* Army of Her Majesty.

[20th *August* 1860.]

WHEREAS it is not expedient that a separate *European* Force should be continued for the Local Service of Her Majesty in *India*: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

So much of 22 & 23 Vict. c. 27. and of certain other Acts as authorizes the Secretary of State in Council to give

So much of the Act of Parliament of the Twenty-second and Twenty-third of Her Majesty, Chapter Twenty-seven, intituled *An Act to repeal the Thirty-first Section of Sixteen and Seventeen* Victoria, *Chapter Ninety-five, and to alter the Limit of the Number of* European *Troops to be maintained for Local Service in* India, and of any former Act or Acts of Parliament, as renders it lawful for the Secretary of State in Council from Time to Time to give such

Directions for raising European Forces for the Indian Army of Her Majesty, repealed.

Provision as to certain Persons who have served in India.

such Directions as he may think fit for raising such Number of *European* Forces as he may judge necessary for the *Indian* Army of Her Majesty, is hereby repealed: Provided always, that the same or equal Provision for the Sons of Persons who have served in *India*, and the Advantages as to Pay, Pensions, Allowances, Privileges, Promotion, and otherwise, secured to the Military Forces of the *East India* Company by the Act of the Twenty-first and Twenty-second Years of the Queen, Chapter One hundred and six, Sections Thirty-five, Fifty-six, and Fifty-eight, respectively, shall be maintained in any Plan for the Reorganization of the *Indian* Army, anything in this Act contained notwithstanding.

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VICTORIÆ REGINÆ

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CAP. CI.

An Act to continue the Poor Law Board.

[20th *August* 1860]

WHEREAS by the Act of the Eleventh Year of the Reign of Her Majesty, Chapter One hundred and nine, Provisions were made for the Constitution and Appointment of Commissioners for administering the Laws for the Relief of the Poor in *England*, and for the Appointment of other Officers, which Provisions have been continued until the End of the present Session of Parliament, and it is expedient that such Provision should be further continued for a limited Period: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

The Poor Law Board to be continued for Three Years.

That the Commissioners appointed by Her Majesty the Queen, or to be appointed by Her Majesty, Her Heirs and Successors, under the Authority of the said Act, together with every Person by the said Act constituted in virtue of his Office such Commissioner, and every Officer and Person appointed or to be appointed by the Commissioners under the Provisions of the said Act, shall be empowered, unless he shall previously resign or be removed, to hold his Office and exercise the Powers thereof until the Twenty-third

Poor Law Board Continuance.

Day of *July* One thousand eight hundred and sixty-three, and until the Expiration of the said last-mentioned Period it shall be lawful for Her Majesty, Her Heirs and Successors, from Time to Time, at pleasure to remove the Commissioners for the Time being appointed by Her Majesty, or to be appointed by Her Majesty, Her Heirs and Successors, and upon every Vacancy in the Office of such Commissioner to appoint, as in the said Act is described, some other fit Person to the said Office.

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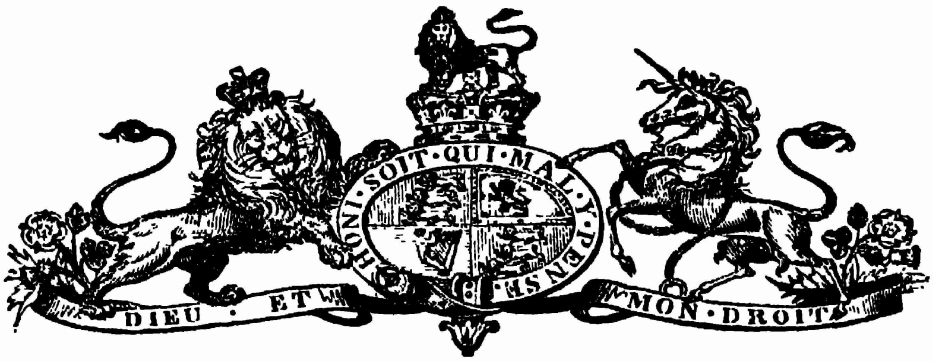

ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

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Governor and Company of the Bank of *England* for the Management of the said Capital Stock by the Governor and Company of the Bank of *England*, and for the Transfer thereof at the said Bank: And whereas it is expedient to enable the Secretary of State for *India* in Council to defray the Expenses incident to such Arrangements: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Arrangements for Transfer of Stock of the East India Company, and Payment of Dividends thereon at the Bank of England.

I. From and after the Thirty-first Day of *August* One thousand eight hundred and sixty the Provisions contained in the said Charter which require the *East India* Company to keep Books in the public Office or Place of Meeting of the Company for the Entry of the Capital Stock of the Company, and which relate to the Method and Form of making Assignments and Transfers of the said Stock in the said Books, shall cease to be of force; and the Directors of the *East India* Company are hereby empowered to make Arrangements with the Governor and Company of the Bank of *England* for the Management of the said Capital Stock by the Governor and Company of the Bank of *England*, and for the Transfer thereof, and the Payment of the Dividends thereon at the said Bank on and after the First Day of *September* One thousand eight hundred and sixty, or so soon afterwards as may be found convenient, in such Manner and Form, and upon such Terms and Conditions, and for such Remuneration, as may appear to the said Directors expedient and equitable, and be mutually agreed upon by them and the Governor and Company of the Bank of *England*, subject to the Consent of the Secretary of State for *India* in Council, so far as relates to the Amount of such Remuneration.

Secretary of State for India in Council to pay to the East India Company the Sum agreed to be paid to the Bank of England.

II. The Secretary of State for *India* in Council shall half-yearly, at the same Time that he shall pay to the *East India* Company the Dividend on the Capital Stock of the said Company due and payable to the said Company under the Act of Third and Fourth of *William* the Fourth, Chapter Eighty-five, pay also to the said Company out of the Revenues of *India* such further Sum as may have been mutually agreed upon by the Directors of the said Company and the Governor and Company of the Bank of *England*, with such Consent as aforesaid, as the Remuneration to be paid by the said Company for the Expenses incurred and the Duties undertaken by the Governor and Company of the Bank of *England* under this Act.

Powers of Attorney existing pre-

III. In the event of such Arrangements as aforesaid being made with the Governor and Company of the Bank of *England*, all Powers

Powers of Attorney for Transfer of any Share in the said Capital Stock, or for Receipt of the Dividends thereon, made or executed at any Time before the Thirty-first of *December* One thousand eight hundred and sixty, shall be as valid and effectual as if this Act had not passed, and the Governor and Company of the Bank of *England* are hereby authorized and required to give effect thereto in the same Way as the *East India* Company would have been authorized and compellable so to do if this Act had not passed; and the said Governor and Company shall be and they are hereby indemnified from any Act done by them in reliance on or on the Authority of any such Power, or of any Power of Attorney which may, previously to the taking effect of such Arrangements, have been lodged at the Office of the *East India* Company.

vious to the 31st Dec. 1860 not to be defeated by the Act; and the Bank of England authorized to act on any Powers lodged with the East India Company.

IV. In the event of such Arrangements as aforesaid being made, the Governor and Company of the Bank of *England*, before allowing any Transfer of any Part of the said Stock or the Receipt of any Dividends thereon, shall be at liberty to require Evidence of the Title of any Proprietor to any of the said Stock or the Dividends thereof, and such Evidence shall be the Declaration of competent Persons, to be made in pursuance of the Act of the Sixth *William* the Fourth, Chapter Sixty-two, or of such other Nature as the Governor and Company of the Bank of *England* shall require.

Evidence of the Title to Stock may be required by the Bank.

V. In the event of such Arrangements as aforesaid being made the Secretary of State for *India* in Council shall in the Month of *December* One thousand eight hundred and sixty, and in every subsequent Year, so long as the Dividends on the said Capital Stock shall continue to be payable, Fifteen Days at the least before each of the half-yearly Days on which a Dividend on the said Capital Stock becomes payable, out of such Monies as may be applicable to the Payment of the Dividends, cause to be paid to the Chief Cashier for the Time being of the Bank of *England* to the Credit of the *East India* Company the Amount of the Dividend payable to the said Company under the Act Third and Fourth of *William* the Fourth, Chapter Eighty-five.

Secretary of State for India in Council to pay the Dividends half-yearly to the Bank.

VI. The Secretary of State for *India* in Council shall be and he is hereby authorized from Time to Time to make such Arrangements with the Governor and Company of the Bank of *England* as shall be deemed expedient for the Payment at the Bank of *England* of the Debts and Obligations contracted by or on behalf of the *East India* Company, and by or on behalf of the Secretary of State for *India* in Council, both in *India* and *Great Britain*, and of the Interest to accrue thereon, and for the Creation and Registration and for the Transfer

Secretary of State for India in Council to make such Arrangements as shall be deemed expedient with the Bank of England for

Payment of the Debts and Obligations of the Government of India, and the Interest thereon.

Transfer of, and the Payment of Interest on, any Stock into which any such Obligations may be convertible, and for the Appointment of One or more Person or Persons for the Purpose of drawing Bills, on behalf of the Secretary of State in Council of *India*, upon the Governor General, and the Governors of the several Presidencies of *India* respectively, and otherwise in relation to the Management of such Debts and Obligations.

Secretary of State for India in Council to open Accounts at Bank of England for Payment of current Demands.

VII. It shall be lawful for the Secretary of State for *India* in Council from Time to Time to open at the Bank of *England* such Account or Accounts for the Payment of current Demands as he may deem expedient, such Account or Accounts to be kept in such Name or Names, and drawn upon by such Person or Persons, and in such Manner, as may from Time to Time be directed by the said Secretary of State in Council, which Accounts shall be deemed public Accounts.

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ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

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10,000,000*l.* out of the Consolidated Fund.

of *Great Britain* and *Ireland*, and the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland*, for the Time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

The Treasury may cause 10,000,000*l.* of Exchequer Bills to be made out in manner prescribed by 48 G. 3. c. 1., 4 & 5 W. 4. c. 15., and 5 & 6 Vict. c. 66.

II. It shall be lawful for the said Commissioners of Her Majesty's Treasury, from Time to Time, by Warrant under their Hands, to cause or direct any Number of Exchequer Bills to be made out at the Receipt of Her Majesty's Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole the Sum of Ten Millions; and such Exchequer Bills shall be made out in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions, as are directed and prescribed in an Act passed in the Forty-eighth Year of the Reign of His Majesty King *George* the Third, Chapter One, and in another Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, Chapter Fifteen, and in another Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, Chapter Sixty-six.

The Clauses, &c. in recited Acts extended to this Act.

III. All and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said Acts shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if particularly repeated and re-enacted in this Act.

Interest on Exchequer Bills.

IV. The Exchequer Bills to be made out in pursuance of this Act shall and may bear an Interest not exceeding the Rate of Threepence Halfpenny *per Centum per Diem* upon or in respect of the whole of the Monies respectively contained therein.

Bank of England may advance 10,000,000*l.* on the Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.

V. It shall and may be lawful for the Governor and Company of the Bank of *England*, and they are hereby empowered, to take, accept, and receive the Exchequer Bills authorized to be made out in pursuance of this Act, and to advance or lend to Her Majesty, at the Receipt of the Exchequer at *Westminster*, upon the Credit of the Sum granted by this Act, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, any Sum or Sums of Money not exceeding in the whole the Sum of Ten Millions, anything in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, Chapter Twenty, or in any other Act or Acts, to the contrary notwithstanding.

VI. It

Consolidated Fund (£10,000,000).

VI. It shall be lawful for the said Commissioners of Her Majesty's Treasury, and they are hereby authorized and empowered, to cause such Exchequer Bills as shall be prepared by virtue of this Act to be delivered from Time to Time to the Governor and Company of the Bank of *England*, in such Proportions as the Public Service may require, as Security for any Advance or Advances which may be made to Her Majesty by the said Governor and Company of the Bank of *England*, under the Authority of this Act.

Bills prepared by virtue of this Act to be delivered to the Bank as Security for such Advances.

VII. It shall be lawful for the said Commissioners of Her Majesty's Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be made out in pursuance of this Act to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament.

Monies raised by Bills to be applied to the Services voted by the Commons.

VIII. The Principal Sum or Sums of Money to be contained in all such Exchequer Bills to be made forth by virtue of this Act, together with the Interest that may become due thereon, shall be and the same are hereby made chargeable and charged upon the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, at any Period not later than the next succeeding Quarter to that in which the said Exchequer Bills have been issued; and it shall be lawful for the said Commissioners of Her Majesty's Treasury for the Time being, and they are hereby authorized, from Time to Time, by Warrant under their Hands, to direct the Comptroller General of the Receipt of the Exchequer at *Westminster*, in such Manner as they shall think necessary, to grant a Credit on the Exchequer Funds in the Bank of *England* unto such Person or Persons as shall be named in the said Warrant, for any Sum or Sums of Money not exceeding in the whole a Sum sufficient to discharge and pay off the Principal Sum or Sums of Money contained in such Exchequer Bills then outstanding, and which may have been made out and issued by virtue of this Act, together with all such Interest as may be due thereupon.

Exchequer Bills made chargeable upon the growing Produce of the Consolidated Fund.

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ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

***

Money on Security of Portion of Grant applied towards Buildings and Repairs.

said Sums, such Monies as may be necessary for the said Purposes, such Advances to be repaid out of the said Sums at such Periods, and at such Rate of Interest, and by such Instalments as Monies advanced by the said Commissioners under an Act of the Tenth Year of the Reign of Her present Majesty, Chapter Thirty-two, are by the Thirty-seventh Section of that Act made repayable.

Accommodation to be provided only for a limited Number of Students.

III. Nothing in this Act contained shall authorize any Expenditure to provide Accommodation in the said College for a greater Number of Students than the Number authorized by the said first-mentioned Act.

Sects. 8. & 9. of 8 & 9 Vict. c. 25. to apply to Buildings provided for under this Act.

IV. The Provisions of the Eighth and Ninth Sections of the said first-mentioned Act shall apply to any Buildings to be erected, enlarged, improved, fitted up, or furnished by Monies advanced by the Commissioners under the Provisions of the Second Section of this Act.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
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ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

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CAP. CV.

An Act to provide for the Management of the General Prison at *Perth*, and for the Administration of Local Prisons in *Scotland*.

[20th *August* 1860.]

WHEREAS an Act was passed in the Second and Third Year of the Reign of Her present Majesty, intituled *An Act to improve Prisons and Prison Discipline in* Scotland; and another Act was passed in the Seventh and Eighth Year of the Reign of Her present Majesty, intituled *An Act to amend and continue, until the First Day of* September *One thousand eight hundred and sixty-one, and to the End of the then next Session of Parliament, the Law with respect to Prisons and Prison Discipline in* Scotland; and another Act was passed in the Fourteenth and Fifteenth Year of the Reign of Her present Majesty, intituled *An Act to amend certain Acts for the Improvement of Prisons and Prison Discipline in* Scotland: And whereas it is expedient that the Laws for the Administration of Prisons in *Scotland* should be consolidated and amended: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

2 & 3 Vict. c. 42.

7 & 8 Vict. c. 34.

14 & 15 Vict. c. 27.

I. From

Recited Acts repealed, and this Act to take effect.

I. From and after the Thirty-first Day of *December* One thousand eight hundred and sixty, the recited Acts shall be and are hereby repealed, and this Act shall commence and take effect.

Repeal not to affect 20 & 21 Vict. c. 71.

II. The Repeal of the recited Acts shall not be held to repeal or in any way affect the Enactments of an Act passed in the Twentieth and Twenty-first Year of the Reign of Her present Majesty, intituled *An Act for the Regulation of the Care and Treatment of Lunatics, and for the Provision, Maintenance, and Regulation of Lunatic Asylums in* Scotland; and where in any Enactments of the last-recited Act, or of any other Act which shall continue in force after the Commencement of this Act, any of the Acts hereby repealed is cited or referred to, such Enactments shall be interpreted as if this Act were cited or referred to therein.

Short Title.

III. This Act may be cited for all Purposes as "The Prisons (*Scotland*) Administration Act, 1860."

Interpretation of Terms.

IV. The following Words and Expressions used in this Act shall in the Construction thereof be interpreted as follows, except where the Nature of the Provision or the Context shall be repugnant to such Construction:

The Word "Prisons" shall include all legal Prisons under this Act, whether administered by the Managers appointed in Terms of this Act or by County Boards, but shall not include Military Prisons, Police Cells, or other Places of Detention not administered either by such Managers or by a County Board:

"Local Prisons" shall include all legal Prisons under this Act, not administered by the said Managers:

The Expression "Classes of Prisoners for which a Prison is legal" shall include all Descriptions of Civil and Criminal Prisoners, other than such as are excepted in the Declaration, Order, or other Proceeding by which the Prison is rendered legal:

"Burgh" shall include and apply to the Cities, Burghs, and Towns which are Royal Burghs, or which send or contribute as Burghs to send a Member to Parliament:

"Town Councils" shall include the Lord Provost, or Provost or Chief Magistrate, and Magistrates and Council of Burghs:

"Magistrates" shall include the Administrators of the Affairs of a Burgh:

"Sheriff" shall include Sheriff Substitute:

"Landward

"Landward Part of a County" shall include and apply to a County exclusive of the Burghs situated therein:

"Civil Prisoner" shall include all Persons imprisoned for Civil Debts due to Subjects; Prisoners for Debts or Taxes due to the Crown, not being Fines or Penalties inflicted on Conviction of Offences; Prisoners on Meditatione fugæ Warrants granted at the Instance of Creditors for Performance of Civil Obligations; Prisoners Ad factum præstandum; Prisoners until they find Caution to return to Service; and Prisoners until they find Caution under Writs of Law Burrows:

"Criminal Prisoner" shall include all other Descriptions of Prisoners:

"Administrators of a Prison" shall mean either the Managers of the General Prison or a County Board, as the Case may be:

"Medical Practitioner" shall mean a Person registered in Terms of an Act passed in the Twenty-first and Twenty-second Year of the Reign of Her present Majesty, intituled *An Act to regulate the Qualifications of Practitioners in Medicine and Surgery*, and an Act passed in the Twenty-second Year of the Reign of Her present Majesty, intituled *An Act to amend the Medical Act* (1858).

Appointments, Claims, and Obligations under repealed Acts to continue.

V. All Appointments made under the recited Acts, except in so far as the same are superseded by this Act, shall remain until the same are legally revoked or altered; and all Claims which have been created, and all Obligations and Penalties which have been incurred under the said Acts, and are not superseded by this Act, shall continue to be effectual; and all Orders lawfully made but not fulfilled, and all Matters left incomplete by the Repeal of the said Acts, shall be brought to a Conclusion under this Act, except in so far as the same are superseded thereby.

RULES FOR PRISONS.

Rules as existing to continue until altered.

VI. All Rules for Prisons in *Scotland* which have been certified under the Hand of One of Her Majesty's Principal Secretaries of State, and have not been superseded by other Rules so certified; shall, except in so far as the same are superseded by this Act, be the Rules for Prisons in *Scotland*, and as such shall be binding on all Persons whom they may concern.

Secretary of State to be substituted for General Board of Prisons in Rules.

VII. When the Words "General Board" are used in such Rules, in applying the same to Local Prisons, the Words "One of Her Majesty's Principal Secretaries of State" shall be substituted therefor: Provided that the Intimation required by such Rules to be made of an Escape or of a sudden Death shall be made to the Crown Agent.

VIII. Where

Authorized Relaxations or Modifications of Rules to continue.

VIII. Where in any Prison any Relaxation or Modification of any of such Rules shall before the Commencement of this Act have been authorized by the General Board of Directors of Prisons, such Rules shall be enforced in such Prison subject to such Relaxation or Modification, until the same are revoked by the Adoption of any new Rules under the Provisions of this Act.

Secretary of State empowered to alter Rules, or make new Rules.

IX. It shall be lawful at any Time for One of Her Majesty's Principal Secretaries of State to alter, modify, or supersede any Rule applicable at the Time to any Prison in *Scotland*, and all Rules, whether applicable to particular Prisons therein named or applicable to Prisons in *Scotland* generally, issued under the Hand of One of Her Majesty's Principal Secretaries of State, shall be specially communicated to the Administrators of every Prison to which they apply and published in the *Edinburgh Gazette*, and shall thereafter be binding on all Persons whom they may concern.

COUNTY PRISON BOARDS.

County Board for each County; and Orkney and Zetland taken to be separate.

X. There shall be in each County a County Prison Board; provided that for the Purposes of this Act *Orkney* and *Zetland* shall as heretofore be taken to be separate Counties; and the several County Boards in existence at the Commencement of this Act shall continue to be the County Boards under this Act until the First Appointment of County Boards under the Provisions thereof.

County Boards to be chosen by Commissioners of Supply and Magistrates of Burghs, and to consist of Numbers set forth in Schedule (A.)

XI. The County Boards shall be chosen by the Commissioners of Supply of the several Counties, and by the Magistrates of certain Burghs, and the Board of each County shall consist of the Number of Members set forth in reference to such County in the Schedule (A.) annexed to this Act, and shall be chosen by the Commissioners of Supply of each County, or by such Commissioners and the Town Council of any Burgh or Burghs situated in the County, according to the Proportion set forth in the said Schedule: Provided that the Sheriff, and in his Absence One Sheriff Substitute, of the County shall, in addition to the Members so chosen, be *ex-officio* Members of the County Board; and where there is more than One, the Sheriff Substitute whose Appointment is the earliest in Date shall be such Member.

As to Election of County Boards.

XII. The Commissioners of Supply of each County shall elect such Number of Members of the County Board as they are by this Act authorized to elect, at their Annual Meeting held on the Thirtieth Day of the Month of *April*, or on the first lawful Day thereafter, in the Year One thousand eight hundred and sixty-one, and in every subsequent Year; and the Town Councils of the several Burghs authorized

authorized to elect Members of County Boards shall also elect such Number of Members as they are by this Act authorized to elect in the Month of *April* One thousand eight hundred and sixty-one, and in every subsequent Year; and the Members of every County Board shall remain in Office until the First Meeting of the Board elected in the ensuing Year, and at each new Election any Member of such Board may be re-elected.

Meetings of County Boards.

XIII. Each County Board shall hold their First Meeting at such Place within the County as may be fixed by the Sheriff, and on such Day not earlier than the Day on which the Commissioners of Supply hold their Annual Meeting in *April*, and not later than the Month of *May*, as the Sheriff shall fix; and of the Day and Place of such Meeting due Notice shall be given in Two Newspapers in general Circulation in the County; and such Meeting may be adjourned; and at such Meeting each County Board shall elect One of their own Number to be their Chairman and Convener; provided that until such Chairman is elected the Sheriff of the County, or in his Absence the Sheriff Substitute, shall be Chairman, and the Chairman shall, in case of an Equality of Votes, have a double or Casting Vote; and each County Board shall from Time to Time hold their Meetings at some Place within the County, and shall from Time to Time fix the Rules by which their Proceedings shall be governed; and each County Board may appoint Committees of their own Number for the Management of the several Prisons within the County, or for the Performance of the several Duties required to be performed by such Board, and fix the Quorum thereof, and may delegate to such Committees such Powers as they may think fit, the same being expressed in the Minute of their Appointment; and Three shall be a Quorum of such County Boards.

Chairman.

Committees and Quorum of County Boards.

Lists of County Boards to be transmitted to Secretary of State.

XIV. On or before the Day of the First Meeting of each County Board the Clerk thereof shall transmit to One of Her Majesty's Principal Secretaries of State, a Statement of the Name and Place of Abode of each Member of such County Board.

Powers and Duties of County Boards.

XV. In every County the County Board shall have the immediate Superintendence and Management of the Local Prisons therein, in Terms of this Act and of the Rules in force for the Time being in virtue of the same; and such Superintendence and Management shall include the building, altering, and repairing the said Prisons, the transferring the Site of any Prison to be rebuilt from one Part of the County to another, providing Food and all other Articles of Consumption used therein, furnishing Instruction and Employment to the Prisoners, and the Appointment of Keepers, Chaplains,

Medical Officers, Clerks, and Teachers, and all other Persons proper to be employed in the Prisons under their Administration: Provided always, that the Chaplains to be so appointed to the general Prison and local Prisons aforesaid shall be Ministers or Licentiates of the Church of *Scotland.*

Appointment of Clerks and Treasurer.

XVI. Each County Board shall appoint a Clerk of the Board, and may when necessary appoint Assistant Clerks, and appoint a Treasurer; and the Persons so appointed shall perform all such Duties connected with their respective Offices as they may be directed by the County Board to perform with a view to carrying this Act into effect.

Offices under County Boards to be held at pleasure.

XVII. Each County Board shall from Time to Time fix the Salaries and Allowances of the several Persons in their Employment; and all Persons in their Employment shall hold their Appointments at the Pleasure of the Board, and shall be liable to be at any Time dismissed by the Board, and on such Dismissal shall be bound immediately to vacate any Premises belonging to the Board occupied by them.

Power to County Boards to grant retiring Allowances as prescribed in 22 Vict. c. 26.

XVIII. It shall be lawful for any County Board, if they think fit, to pay to any Officer or other Person in the Employment of the Board, who by reason of Age, Infirmity, or Disease has become unable properly to discharge his Duties, a retiring Allowance not exceeding the Scale prescribed in Section Two of an Act of the Twenty-second Year of Her present Majesty, intituled *An Act to amend the Laws concerning Superannuations and other Allowances to Persons having held Civil Offices in the Public Service*, and such Allowance, when granted, shall be a Charge on the Assessment for current Expenses: Provided always, that it shall not be lawful to grant such retiring Allowance to any Person under Sixty Years of Age, unless upon Medical Certificate, on Soul and Conscience, under the Hands of Two Medical Practitioners, that such Person is incapable from Infirmity of Mind or Body to discharge the Duties of his Office, and that such Infirmity is likely to be permanent.

Secretary of State may dismiss Persons employed by County Boards, or in Prisons.

XIX. Any Person in the Employment of any County Board or employed in any Prison in *Scotland* may at any Time be dismissed by an Order in Writing under the Hand of One of Her Majesty's Principal Secretaries of State, after such Inquiry as to him may seem proper, and it shall not be lawful to pay a retiring Allowance to any Person who has been so dismissed.

Prisons and other Property of

XX. All Local Prisons, all Heritable and Moveable Property, all Moneys, Goods, and Effects, and all Rights of Action possessed by County

County Boards at the Commencement of this Act, shall be vested in and be possessed by the County Boards respectively under this Act, until such Possession shall be altered by due Course of Law; and all Local Prisons hereafter built, and all Lands and Tenements acquired by County Boards for the Purposes of such Local Prisons, shall be the Property of the Prison Board of the County within which the same are situated.

existing Boards vested in County Boards under this Act.

XXI. The several County Prison Boards may acquire and hold Heritable and Moveable Property, Moneys, Goods, and Effects; and all Titles, Securities, and Investments and Evidences taken for the same, may be taken to the said Boards by the Name and Description of the Prison Board of the County wherein the same shall be established without further Description; and all Property, Moneys, Goods, and Effects which shall have been or may be so vested, and the Titles and Securities thereof, shall be deemed to be held for the Use of such Boards for the Time being, and shall pass and be transmitted to such Boards for the Time being, without the Necessity of any Conveyance or Assignation from one Board to another; and every County Board may, for all Purposes of Civil or Criminal Action or Diligence, or Reference or Arbitration, institute, defend, or enter into Civil or Criminal Proceedings in the Name of the Board or of their Clerk for the Time being; and no such Proceeding shall discontinue or abate by reason of any Vacancy in any of the said Offices, but may be insisted in, to all Intents and Purposes, in the Name of the Board or of their Clerk for the Time being.

County Boards may acquire Property, sue and be sued, &c.

XXII. No Member of any County Board shall derive any Profit or Emolument, directly or indirectly, for himself or any Partner, from his Office, or from the Expenditure made by the Board of which he shall be a Member in the Execution of this Act, nor shall he be personally liable for anything done by him *bonâ fide* in virtue of his Office in the Execution of this Act or in the Exercise of the Powers hereby conferred; and no Sheriff or other Judge shall be disqualified from acting as such in any Civil or Criminal Proceedings which may be brought before him by reason of being a Member of any such Board.

Members of County Boards to derive no Profit from Office.

Sheriffs, &c., not disqualified.

XXIII. The Commissioners of Supply and the Town Councils of Burghs authorized to appoint Members of County Boards shall severally have Power from Time to Time to supply any Vacancies which may occur in their Appointment of Persons to form a County Board; and it shall be lawful for each County Board from Time to Time to supply any Vacancy which may occur in the Office of their Chairman and Convener; and it shall not be held to invalidate the Acts of any County Board that any Commissioners of Supply or Town Councils of Burghs have failed duly to appoint the several Numbers of Persons authorized

Power to supply Vacancies in County Boards from Time to Time.

authorized to be appointed by them as Members of County Boards, and each County Board may act if Three Members thereof shall assemble.

Provision for Refusal or Neglect by Commissioners of Supply, Town Councils, &c., and Failure of County Board.

XXIV. In case any Convener or Commissioners of Supply of Counties, or Persons appointed or directed by them, or any Town Councils of Burghs, or Persons appointed or directed by them, or any County Board, or Persons appointed or directed by them, shall refuse or neglect to do what is herein required of such Persons respectively, or in case in any County there shall be no County Board, or in case a County Board shall refuse or neglect to carry this Act into effect, or in case any Obstruction shall arise in the Execution of this Act, it shall be lawful for the Lord Advocate of *Scotland* to apply by Summary Petition to the Court of Session, or during the Vacation of the said Court to the Lord Ordinary on the Bills, and the said Court and Lord Ordinary are hereby authorized and directed in such Case to do therein as to such Court or Lord Ordinary shall seem just and necessary for the Execution of the Purposes of this Act.

Local Prisons.

Legal Prisons to continue for the Purposes for which they were legalized.

XXV. The several Prisons which under the Powers of the recited Acts have heretofore been administered by County Boards, and shall exist as legal Prisons at the Commencement of this Act shall, for the several Purposes and for the several Classes of Prisoners for which they were legal at the Commencement of this Act, continue to be legal Prisons until their Condition as such shall be altered under the Provisions of this Act; and every Declaration by the General Board of Directors of Prisons, or other Procedure rendering a Prison legal which shall be effectual at the Commencement of this Act, shall continue to be effectual, and shall be binding on all Persons concerned, as if the same formed Part of this Act, until such Declaration or other Procedure shall be revoked or altered under the Provisions of this Act.

No material Alteration to be made without Consent of Secretary of State.

XXVI. No Transference of a Prison to a new Site shall be competent, and no Addition shall be made to the Accommodation of any Prison, and no Part of any Prison shall be taken down to the Effect of altering the Accommodation thereof, unless with the Consent in Writing of One of Her Majesty's Principal Secretaries of State.

Secretary of State may alter legal Condition of a Prison, or legalize new Prison.

XXVII. It shall be lawful for One of Her Majesty's Principal Secretaries of State, by an Order under his Hand, to render any Local Prison no longer a legal Prison, or to alter the Classes of Prisoners for which any Local Prison is a legal Prison, or to render any new Building a legal Prison for the Classes of Prisoners included in such Order; and every such Order shall be published in the *Edinburgh Gazette*, and in Two Newspapers circulating in the District

to

to which it applies, and shall be effectual on and after a Day named therein subsequent to such Publication.

XXVIII. When the Terms of any Order affecting the Classes of Prisoners for which a Prison is legal are such that when it comes in force there shall cease to be in the County to which it applies a legal Prison for all Descriptions of Civil and Criminal Prisoners, a Prison in some neighbouring County shall be named in such Order to which all Prisoners who would otherwise be confined in such first-mentioned Prison, but cannot be so by reason of the Change in the Classes of Prisoners for which it is legal, shall be removed, and all such Prisoners shall be removed in Terms of such Order by the Prison Board of the County from which they are removed as if the Removal were to another Prison in the same County; and the Expense of the Removal of such Prisoners, and of their Maintenance and Detention in the Prisons to which they are removed, shall be a Charge on the Assessment for current Expenses of Prisons in the County from which they are removed; and in case of Dispute the Amount of such Charge shall be fixed by the Crown Agent.

Procedure when there is no Prison for all Descriptions of Prisoners in any County.

XXIX. When a Prisoner, having been convicted of an Offence, shall be committed until he pay a Penalty or perform any other Act, to a Prison which is only legal for the carrying out of Sentences of certain short fixed Periods, it shall be lawful for the County Board to remove him to another Prison, as if he had been committed under a Sentence for a Period beyond that which could be lawfully carried out in the Prison to which he is committed.

Procedure when Prisoners are committed to Prisons legalized for short Periods.

XXX. When any Judge or Magistrate having Jurisdiction within any Burgh, Town, or Place forming Part of a County shall in the legal Exercise of his Jurisdiction grant a Warrant for the Imprisonment of any Person, and within the Bounds over which his Jurisdiction extends there is either no Prison or only a Prison in which, by reason of the Classes of Prisoners for which it is legal, such a Warrant cannot be carried into effect, it shall be lawful for such Judge or Magistrate to direct that the same shall be carried into effect in any other Prison within the County, and the Warrant shall thereupon be as effectual as if the Prison named therein were within the Bounds of such Judge or Magistrate's Jurisdiction.

Procedure where there is no Prison, or only a Prison for limited Purposes within a Burgh or other Jurisdiction.

XXXI. In case any Local Prison or a Part thereof shall be discontinued by ceasing to be a legal Place of Confinement under this Act, the County Board may sell the same for such Price as they may obtain therefor and convey the same to the Purchaser: Provided always, that when the Building so discontinued as a Prison forms

Disposal of Premises ceasing to be Prisons or not necessary for Prison Purposes.

Part of any Building used for other Purposes, the First Offer of the same shall be made to the Persons having Right to the other Parts of the Building at such Price as may be agreed on, or in case of Disagreement as may be fixed by Valuators appointed by the Sheriff of the County: Provided also, that the County Board may give up any Building so discontinued as a Prison, or any Part of the Ground or Buildings belonging to them, which may not be required for their Prisons, without receiving any Price therefor, if the same is to be used for the Purposes of Court Buildings or of a Reformatory of a Police Office Station House or Lock-up.

ASSESSMENTS.

Assessment for current Expenses.

XXXII. The Salaries of the several Persons in the Employment of the County Board, the Expense of the Maintenance of Prisoners in the Local Prisons within the County, and generally the current Expenses of the Administration of such Prisons, shall be defrayed by Assessment upon the County and the Burghs situated therein; and such Assessment shall be of such Amount as the County Board shall from Year to Year fix and determine at a Meeting to be held for that Purpose, which may be either at any Meeting to be held for that Purpose in the Month of *March* or *April*, or at any other Meeting held not later than the Month of *September* in every Year; and such Assessment shall be called the Assessment for current Expenses: Provided that where a Prisoner shall be confined in the Prison of any County not being the County in which the Crime for which the Prisoner has been so confined was committed, such County shall be paid by the County within which the Crime was committed the Expense of maintaining such Prisoner during such Confinement, and in case of Dispute the Amount of such Payment shall be fixed by the Crown Agent.

Building Assessment.

XXXIII. At any Meeting to be held for that Purpose, which may be either the First Meeting of the Board after their Appointment or any other Meeting held not later than the Month of *September* thereafter, the County Board may also impose an Assessment for the Year for the Purpose of defraying the Expenses of building, altering, or repairing any Local Prison within the County, or of acquiring Lands for such Purpose; and such Assessment shall be called the Building Assessment: Provided that no such Building Assessment shall exceed the Amount which, as set forth in the Twenty-first Annual Report of the General Board of Directors of Prisons, presented to both Houses of Parliament, was or might legally have been estimated for as a Building Fund before the Commencement of this Act for such County, unless the same shall in Terms of any Agreement or Minute to that Effect laid

laid before the County Board be consented to by the Commissioners of Supply of such County on behalf of the Landward Part thereof, and by the Town Councils of Burghs situated therein entitled to choose Members of the County Prison Board on behalf of their respective Burghs, and it shall appear that the Persons on whose Behalf such Consent has been given shall have contributed or been liable to contribute not less than Three Fourths of the Assessments imposed on such County and the Burghs situated therein.

Clerk of the Peace to apportion the total Amount of Assessment between the Landward Part of County and the Burghs therein.

XXXIV. When any Assessment has been imposed by a County Board, the Clerk of the Board shall forthwith divide and apportion the total Amount thereof between the Landward Part of the County and the Burghs situated therein, according to the total Value of Lands and Heritages on which the immediately preceding Assessment for Prison Purposes was levied or leviable in such Landward Part and in each such Burgh; and within Eight Days after such Assessment has been imposed he shall transmit to the Conveners of the Commissioners of Supply of the County, and to the Chief Magistrate of each Burgh situated therein, a Notification of the total Amount imposed, and of the Proportion of such total Amount to be paid by the Landward Part and by each Burgh respectively, to the County Board.

Court of Session to order Building Assessment to be raised when County Board fails to impose it.

XXXV. If a Building Assessment for any Year appear to be necessary for any County, and the County Board shall fail to impose the same previous to the First Day of *October*, it shall be lawful for the Court of Session, or either Division thereof, on a summary Petition presented at the Instance of the Lord Advocate or of any Member of the County Board, to give such Directions and Orders to the County Board in regard to the imposing or levying of a Building Assessment as to them may seem fit.

Assessment to be levied on Lands and Heritages according to yearly Value, as established by 17 & 18 Vict. c. 91. and 20 & 21 Vict. c. 58.

XXXVI. Every Assessment under this Act shall be levied upon the Lands and Heritages within the County for which it is imposed, and the Burghs situated therein, according to the yearly Value of such Lands and Heritages as established by the Valuation Rolls in force for the Year of Assessment under an Act passed in the Seventeenth and Eighteenth Year of the Reign of Her present Majesty, intituled *An Act for the Valuation of Lands and Heritages in* Scotland, and an Act passed in the Twentieth and Twenty-first Year of the Reign of Her present Majesty, intituled *An Act to amend the Act Seventeenth and Eighteenth of* Victoria, *for the Valuation of Lands in* Scotland, or either of the said Acts.

Assessments payable for the Period from Whitsunday to Whitsunday.

XXXVII. Every Assessment under this Act shall be payable for the Period from *Whitsunday* of the Year in which the same is imposed to the ensuing Term of *Whitsunday*: Provided that if there shall be any

any Deficiency in the Funds available during any Year for current Expenses, the same may be made good in imposing any subsequent Assessment; and if there be any Surplus of Funds for current Expenses at the Term of *Whitsunday*, the same may be applied to the current Expenses of the ensuing Year.

Assessments to be remitted to County Boards.

XXXVIII. The Persons charged with the levying and collecting of the Assessments as herein-after provided shall remit the same to the County Board free of all Expense and at the Risk of the Remitters; and any Portion of an Assessment which shall not be so remitted within Eight Months from the Date of the Notification shall bear Interest from and after such Term.

Commissioners of Supply to levy Assessments in Landward Part of County.

XXXIX. The Commissioners of Supply of each County are hereby charged with the levying and collecting of all Assessments under this Act, in so far as the same are leviable on Lands and Heritages in the Landward Part of the County; and the said Commissioners are hereby authorized and required, as soon as conveniently may be after Notice as aforesaid to the Convener of the County, to assess and levy and collect or direct the levying and collecting of the same, together with such further Sum as may be necessary to cover Expenses of Assessment, Collection, and Remittance, and any Arrears, with Interest thereon, of preceding Years, and any Deficiency on account of Exemption from Assessment; and the said Commissioners shall proceed in such Manner, and by means of such Collectors or other Persons as they shall from Time to Time appoint.

Assessments may be levied on Proprietor or Tenant, and when of small Amount may be postponed for Two or more Years.

XL. Assessments on Lands and Heritages in the Landward Parts of Counties may be levied either on the Proprietor or the Tenant; but the Tenant, in case of his paying such Assessment, shall be entitled to deduct the Amount thereof from the Rent payable by him: Provided always, that where such Assessment on Houses shall be of small Amount, it shall be competent to the said Commissioners to postpone the Collection of the same, to the Effect of collecting Two or more Years Assessment on Houses at One Time, as they may think proper: Provided also, that it shall be lawful to exempt from the annual Assessment to be levied on Lands and Heritages in the Landward Part of any County any Property the annual Value of which shall not exceed Two Pounds Sterling, on account of the Poverty of the Owner thereof.

Magistrates to levy Assessments in Burghs.

XLI. The Magistrates of each Burgh are hereby charged with the levying and collecting of all Assessments under this Act, in so far as the same are leviable on Lands and Heritages within their respective Burghs; and the Magistrates of each Burgh are hereby authorized and required, as soon as conveniently may be after Notice as aforesaid by the County Board to the Chief Magistrate, to levy and

and collect, or direct the levying and collecting of the same, together with such further Sum as may be necessary to cover Expenses of Assessment, Collection, and Remittance, and any Arrears, with Interest thereon, of preceding Years, and any Deficiency on account of Exemption from Assessment; and they may proceed in like Manner and with the same Powers and Right of Action and Diligence, and of using Summary Warrants and Proceedings for the Recovery of the same, as may be competent with respect to any Municipal or Police or general Assessment with which the said Magistrates may deem it most expedient that the Sum apportioned as aforesaid should be laid on and collected; and any Board or other Public Body which may be directed by the Magistrates of any Burgh to levy and collect the said Assessment are hereby empowered and required to do so: Provided that in any Burgh or Part thereof in which there may be no Municipal or Police or other general Assessment, or in any Burgh in which it may appear to the Magistrates to be inexpedient to levy the Assessment hereby authorized along with any other existing Assessment, they shall collect the same in such Manner, and by means of such Collectors or other Persons as they shall from Time to Time appoint.

Common Good and Revenues of Burghs may be applied in Payment of Assessments.

XLII. Provided always, That in any Burgh in which the free yearly Proceeds of the Common Good Property and Revenues thereof may be judged by the Magistrates thereof to be sufficient to pay the Sum, or any Part thereof, annually apportioned on such Burgh as aforesaid, after defraying the ordinary Municipal and Police Charges and Expenses and other annual Burdens chargeable on such Common Good Property or Revenues, including the Interest of Debts due by such Burgh, it shall be competent to the Magistrates thereof to pay so much of the Sum so apportioned on such Burgh as is due by that Part of the Burgh entitled to such Common Good Property and Revenues.

Assessment within Burghs to be divided between Proprietor and Tenant.

XLIII. Assessments within Burghs shall be payable by the Tenant or Occupier of the Lands and Heritages assessed; but the Tenant or Occupier by whom such Assessment shall be paid shall be entitled to deduct One Half of such Assessment from the Rent payable to the Proprietor or Person by whom such Property was let: Provided always, that One Half of such Assessment may be levied directly from the Proprietor of Lands and Heritages assessed within the Burgh: Provided also, that where the Rent is under Five Pounds the Magistrates of any Burgh may remit, on account of Poverty, the whole or any Part of the Assessment authorized by this Act to be levied from any Tenant or Occupier of Lands and Heritages within Burgh.

Warrants and Proceedings for Recovery of

XLIV. The whole Powers and Right of issuing Summary Warrant and Proceedings, and all Remedies and Provisions enacted for collecting,

Land and Assessed Taxes applicable to Assessments under this Act.

ing, levying, and recovering the Land and Assessed Taxes, or any of them, and other Public Taxes, shall be applicable to the collecting, levying, and recovering the Assessments under this Act; and all Sheriffs, Magistrates, Justices of the Peace, and other Judges may grant the like Warrants for Recovery of all such Assessments in the same Form and under the same Penalties as is provided in regard to such Land and Assessed Taxes and other Public Taxes; and all Assessments imposed in virtue of this Act shall, in the Case of Bankruptcy or Insolvency, be paid out of the First Proceeds of the Estate, and shall be preferable to all other Debts of a private Nature due by the Persons assessed; and Interest may be charged on any Assessment, and Proceedings taken for the Recovery thereof, on any Day either before or after the said ensuing Term of *Whitsunday*, provided that if such Day be before the Term, a Notice of the Amount payable shall have been delivered to or left at the Dwelling House or Place of Business of the Person liable in Payment Two Calendar Months before such Day.

Boundaries of Burghs for Purposes of this Act, shall be as fixed by 17 & 18 Vict. c. 91., 20 & 21 Vict. c. 58., and 20 & 21 Vict. c. 70.

XLV. The Boundaries of Burghs for the Purposes of this Act shall be the Boundaries thereof as the same are ascertained and fixed under the Provisions to that Effect contained in the following Acts; viz., (1) an Act passed in the Seventeenth and Eighteenth Year of the Reign of Her present Majesty, intituled *An Act for the Valuation of Lands and Heritages in* Scotland; (2) an Act passed in the Twentieth and Twenty-first Year of the Reign of Her present Majesty, intituled *An Act to amend the Act Seventeenth and Eighteenth of* Victoria, *for the Valuation of Lands in* Scotland; (3) an Act passed in the Twentieth and Twenty-first Year of the Reign of Her present Majesty, intituled *An Act to provide for the Extension of the Boundaries of Burghs in* Scotland, *and to remove Doubts as to the Right of certain Persons holding Offices to be registered as Voters for Municipal Purposes.*

Disputes arising as to Assessment may be summarily settled by the Sheriff.

XLVI. Any Dispute which may arise in adjusting the Boundaries of any Burgh, and any Dispute which may arise in imposing or levying the Assessments authorized by this Act between the Commissioners of Supply of Counties or the Magistrates of Burghs, or the Assessors, Collectors, or others acting under them, on the one Part, and any Person aggrieved on the other Part, for the Settlement of which Dispute no Provision shall be made under the Authority of this Act, and in case it shall not be convenient to raise and determine the same in the Sheriff's Small Debt Court, shall be determined in a summary Manner by the Sheriff of the County in which such Dispute shall arise, who shall on a written Petition being presented to him by the Procurator Fiscal, or by any of the aforesaid Parties, appoint the Parties to appear before him, when he shall hear them, investigate the Matter in dispute in such Manner as he may think proper,

proper, and decide the same summarily; and the Decision of such Sheriff shall be final, and shall not be liable to Appeal or to Suspension, Advocation, or Reduction, or any other Form of Review.

Accounts to be published.

XLVII. The County Board of each County shall before the End of every financial Year publish detailed Accounts of their Receipts and Expenditure under and for the Purposes of this Act, which Accounts shall be printed, and a Copy thereof shall be furnished to the Commissioners of Supply of the County and to the Town Council of every Burgh situated therein.

Counties may unite for erecting and maintaining Local Prisons.

XLVIII. For the Purpose of erecting and maintaining Local Prisons, and paying the Expenses thereof, the Commissioners of Supply of Two or more Counties, and the Town Councils of the Burghs situated therein, shall have Power to form a Union of their respective Counties in manner following: The Proportion in which each County is to contribute to the Expense of such Prison, the Method of Management thereof, which may be by a Committee jointly appointed by the County Boards interested, and all other necessary Particulars, shall be set forth in a Minute or Agreement certified under the Hand of the Sheriff or Sheriffs of the respective Counties, and such Minute or Agreement on being published in the *Edinburgh Gazette* and in Two Newspapers circulated in the Counties so united, shall be binding on all Persons as if the same were Part of this Act; and when any such Union shall be formed, and when an Order under the Hand of One of Her Majesty's Principal Secretaries of State, fixing the Classes of Prisoners for which such Prison shall be legal, shall take effect as herein provided, it shall be lawful for the Sheriffs and other Magistrates of the Counties forming the Union to exercise the same Jurisdiction with respect to such common Prison, and the Removal of Prisoners to and from the same, as if it were locally situated within their respective Counties, and the Provisions of this Act shall apply to the Removal of Prisoners to and from such Prison, as if the Counties so united were One County: Provided that the Prison of *Fort William* shall continue to be, to the Purport and Intent to which the same shall at the Commencement of this Act be, a Prison for the Use of the Counties of *Argyle* and *Inverness* respectively.

As to Arrears of Assessment in Orkney.

XLIX. Whereas Arrears of Assessment for Prison Purposes have long been due by the Landward Part of the County of *Orkney*, and it is doubtful whether any considerable Portion thereof could now be recovered from the Parties originally liable therefor, or their Representatives: It shall be lawful for the Commissioners of Supply of the said County, along with any Assessment to be imposed and levied by them under the Authority of this Act, to impose, levy, and collect

on

on and from the Proprietors and Tenants of Lands and Heritages in the Landward Part of the said County, such additional Sum as they shall think fit towards Payment of such Arrears; and such additional Sum shall be apportioned on the Lands and Heritages in such Landward Part in the same Manner as the Assessments authorized by this Act; and all the Provisions of this Act applicable to Assessments and the Recovery of the Sums assessed shall be applicable to such additional Sum.

Special local Arrangements in Ross and Cromarty, and Nairn.

L. The Commissioners of Supply for the Counties of *Ross* and *Cromarty*, and also for that Portion of the County of *Nairn* which is locally situated in the County of *Ross*, shall meet together for the Purposes of this Act at the usual Place of Meeting of the Commissioners of Supply of the County of *Ross*, and shall exercise the Powers conferred by this Act on Commissioners of Supply with respect to the said Counties of *Ross* and *Cromarty* and the said Portion of the County of *Nairn*.

REFORMATORIES.

County Boards may contribute to Reformatories.

LI. A County Board may, with the Consent of the Commissioners of Supply of such County, resolve to contribute to any Reformatory in any Part of *Scotland* which has been certified by One of Her Majesty's Principal Secretaries of State, in Terms of an Act passed in the Seventeenth and Eighteenth Year of Her present Majesty, intituled *An Act for the better Care and Reformation of Youthful Offenders in* Great Britain, and on such Resolution, stating the Name of the Reformatory to which they propose to contribute, being transmitted to the Secretary of State for the Home Department, being One of Her Majesty's Principal Secretaries of State, he shall intimate whether he approves or disapproves of such Resolution, and if he intimate that he approves thereof, such County Board may from Time to Time pay over such Sum as they may think fit to the Directors and Managers of such Reformatory, and such Sum shall be a Charge on the Assessment for current Expenses: Provided, that if at any Time such Secretary of State shall notify his Withdrawal of such his Approval, it shall no longer be lawful for the County Board to contribute to such Reformatory.

MANAGERS OF THE GENERAL PRISON.

Appointment of Managers of the General Prison at Perth.

LII. The following Persons shall be and are hereby appointed Managers of the General Prison at *Perth*, any Two of whom shall be a Quorum; viz., the Sheriff Principal of the County of *Perth*, the Inspector of Prisons for *Scotland* appointed under an Act passed in the Fifth and Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for effecting greater Uniformity*

5 & 6 W. 4. c. 38.

formity of Practice in the Government of the several Prisons in England *and* Wales, *and for appointing Inspectors of Prisons in* Great Britain, the Crown Agent in *Scotland* for the Time being, and One Person who shall be appointed and may be removed by Her Majesty, and shall receive such Salary as shall be fixed by the Commissioners of Her Majesty's Treasury, not exceeding Seven hundred Pounds a Year; and such last-mentioned Person shall also discharge all the Duties of Secretary to the Managers; and, except as herein provided, the Managers shall not derive any Profit or Emolument for the Performance of any Duties under this Act, nor shall they be personally responsible for anything done *bonâ fide* in the Execution of this Act, or in the Exercise of the Powers herein contained.

Office Accommodation of Managers.

LIII. The Managers shall have such Office Accommodation, and such Assistance of Clerks, Office Keepers, or Messengers, as One of Her Majesty's Principal Secretaries of State may from Time to Time direct.

Expenses of Managers to be paid out of Moneys voted by Parliament.

LIV. The Managers shall defray the Expenses incurred in the Performance of the various Duties and Functions hereby committed to them out of such Moneys as may be voted by Parliament for such Purposes respectively, and shall render their Accounts for such Expenditure to the Commissioners of Audit, in such Manner and at such Periods as the Commissioners of Her Majesty's Treasury may direct.

General Prison at Perth, and Rights, &c. belonging thereto, vested in the Commissioners of Works and Public Buildings.

LV. From and after the Commencement of this Act the General Prison at *Perth* as at the said Date belonging to and vested in the General Board of Directors of Prisons, and all Rights of Property, Action, or Recovery relative thereto, and all other Lands and Heritages at the said Date belonging to and vested in the said General Board shall be and are hereby transferred to and vested in the Commissioners of Her Majesty's Works and Public Buildings, for the Purposes and subject to the Provisions of this Act: Provided that it shall be lawful for the Managers to sue for, recover, and discharge all Debts or Sums of Money due to the said General Board at the Commencement of this Act, and to receive from the said General Board all Moveable Property, Records, and Documents belonging thereto, and to hold and dispose of the same for the Purposes and subject to the Provisions of this Act and to any Directions to be given relative thereto by One of Her Majesty's Principal Secretaries of State.

Managers to complete Matters left

LVI. It shall be the Duty of the Managers, and they are hereby authorized and empowered to bring to Completion all Matters and

unfinished by General Board, and transmit Balances of Assessments to County Boards.

Proceedings left by the General Board of Directors of Prisons uncompleted at the Commencement of this Act; and they shall receive from the said General Board, and remit to the several County Boards any Balances of Moneys raised within such Counties by Assessment in the Possession of, or at the Order, or under the Control of the said General Board at the Commencement of this Act.

Provision for collecting, arranging, and reporting Prison Statistics.

LVII. Whereas it is expedient that the Statistics regarding Prisons and Prisoners in *Scotland* should continue, as heretofore, to be collected and digested, and laid before Parliament in a tabular Form: The Clerks of the several County Boards shall and they are hereby required to transmit to the Managers such Returns as One of Her Majesty's Principal Secretaries of State shall from Time to Time direct, applicable to the Amount of Prison Accommodation in the County, the Number of Prisoners, their Ages, Sentences, Educational Condition, Health, Conduct, Casualties, Prison Punishments, the Receipts and Expenditure connected with the several Prisons, the Observance of the Rules, and other similar Matters.

Provision for Inquiries into Condition and Management of Prisons.

LVIII. The Managers, or any One or more of them, may, with the Authority in Writing of such Secretary of State, proceed to any Prison and inquire into the Condition and Management thereof, and may require Access to all Documents therein or in reference thereto, and may require the Attendance of any Witness, by Service by any Sheriff-Officer or Constable of a written Intimation to such Witness personally or at his usual Place of Residence, and may examine such Witness on Oath; and any Person interrupting such Inquiry, or failing, when required, to produce any Document, or to attend or give Evidence, shall, on summary Complaint and Conviction before the Sheriff, be liable to a Penalty not exceeding Ten Pounds, or to be imprisoned for any Period not exceeding Thirty Days.

Return of Sentences of Imprisonment to be made to Managers as in Sched. (B.)

LIX. When any Criminal shall have been sentenced the Clerk of the High Court of Justiciary, if such Sentence shall have been pronounced by the said High Court, or the Clerk of the Circuit Court of Justiciary, if such Sentence shall have been pronounced by the Circuit Court of Justiciary, or the Sheriff Clerk of the County, if such Sentence shall have been pronounced by the Sheriff, shall within Eight Days after such Sentence shall have been pronounced make a Return thereof to the Managers, which Return shall be in the Form of the Schedule (B.) hereunto annexed.

Annual Report to be made to Secretary

LX. The Managers shall, on or before the Fifteenth Day of *February* in every Year, make and transmit to One of Her Majesty's Principal Secretaries of State a full Report of their whole Proceedings

Proceedings during the Year ending on the Thirty-first Day of *December* preceding, and an Abstract of their whole Receipts and Expenditure, classifying the separate Articles thereof; and in the said Report, or in the Appendix thereto, there shall be set forth all new Rules or Alterations of Rules for Prisons which shall have been made by such Secretary of State as aforesaid, any Orders issued by such Secretary of State constituting a new Prison or altering the Classes of Prisoners for which a Prison is legal, and such Information and Statistics regarding Prisons in *Scotland* as such Secretary of State may require; and a Copy of every such Report shall be laid before both Houses of Parliament within Fourteen Days after the Fifteenth Day of *February*, if then assembled, or if Parliament shall not be then assembled within Fourteen Days after the next Meeting thereof.

of State by Managers.

GENERAL PRISON AND CUSTODY OF CONVICTS.

LXI. The Managers, subject to the Provisions of this Act, and the Rules in force in Terms thereof, and also subject to such Instructions as they may from Time to Time receive from One of Her Majesty's Principal Secretaries of State, shall have the Administration and Government of the General Prison at *Perth*, and shall from Time to Time visit the said Prison: Provided that One or more of the Managers shall once at least in every Month see and communicate with each Prisoner, shall examine the Books, Accounts, and Documents kept in the Prison, shall inspect the Prison Premises and Stores, shall examine into the Conduct of the several Officers, shall investigate all Complaints and alleged or apparent Abuses, or Deviations from the Rules, shall inquire into the Cause and Nature of every Punishment that has been administered, shall ascertain how far the Health, Education, and Industrial Training of the Prisoners are in a satisfactory Condition, and shall make a Report in Writing, under these Heads, which shall be laid before and specially considered by the Managers and Visitors.

Managers, subject to Instructions of Secretary of State, to have the Administration of the General Prison.

LXII. Besides such Rules for the Government of the General Prison, and for the Custody, Discipline, and Dietaries of the several Classes of Prisoners therein, as may exist at the Commencement of this Act, or may thereafter be adopted, Provision shall be made by further Rules for the Method in which the Establishment of Officers in the said Prison shall from Time to Time be adjusted, and for the Appointment and Dismissal of such Officers, and the fixing of their Salaries; and until such Rules come into force no Appointment or Dismissal of an Officer, and no Alteration of an Officer's Salary in the said Prison, shall take effect unless the same be approved by One of Her Majesty's Principal Secretaries of State.

Rules to be made for the Staff of the General Prison.

LXIII. The

Classes of Prisoners to be confined in the General Prison.

LXIII. The General Prison at *Perth* shall be a Prison for the Reception and Detention of Prisoners sentenced to Imprisonment by the Courts of Law in *Scotland*, and also for the Reception and Detention of such Convicts under Sentence or Order of Transportation or of Penal Servitude, as Her Majesty may please to direct to be removed to such General Prison under the Powers contained in an Act of the Tenth and Eleventh Year of the Reign of Her present Majesty, intituled *An Act to amend the Law as to the Custody of Offenders;* and of an Act of the Sixteenth and Seventeenth Year of the Reign of Her present Majesty, intituled *An Act to substitute in certain Cases other Punishments in lieu of Transportation;* and of an Act of the Twentieth and Twenty-first Year of the Reign of Her present Majesty, intituled *An Act to amend the Act of the Sixteenth and Seventeenth Years of Her Majesty, to substitute in certain Cases other Punishments in lieu of Transportation.*

10 & 11 Vict. c. 67.

16 & 17 Vict. c. 99.

20 & 21 Vict. c. 3.

Sentences of Nine Months and upwards to be carried out in the General Prison.

LXIV. From and after the Commencement of this Act, when a Sentence is pronounced by any Court of competent Jurisdiction adjudging any Person to Imprisonment for a Period of Nine Months or upwards, such Sentence, whether the General Prison at *Perth* be mentioned therein or not, or whether the Name of any other Prison be mentioned therein or not, shall be deemed to be and is hereby declared to be a Sentence which may be carried into effect in the said General Prison, unless such Sentence contains a Clause especially declaring that the Prisoner shall not be removed to such General Prison; and any Person undergoing a Sentence which may be so carried into effect in the General Prison may be removed thereto at any Time in Terms of the Provisions of this Act for the Removal of Prisoners; and if such Sentence adjudge the Prisoner to Hard Labour for any Period, Effect shall be given to such Adjudgment in the General Prison, so far as the same has not been carried into effect in a Local Prison.

Provisions for the Administration of Convict Establishments appointed under existing Statutes.

LXV. Whereas by an Act of the Fifth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for the Transportation of Offenders from* Great Britain, Her Majesty is empowered to appoint Places of Confinement within *England* and *Wales* for Male Convicts under Sentence or Order of Transportation; and by the herein-before recited Act of the Twentieth and Twenty-first Year of the Reign of Her present Majesty, to substitute in certain Cases other Punishments in lieu of Transportation, it is provided that the Power to appoint such Places of Confinement, and other Provisions of the foresaid Act, shall extend and be applicable to and for the Appointment by Her Majesty of like Places of Confinement in any Part of the United Kingdom for Offenders, whether Male or Female, sentenced under

under the Provisions of such last-mentioned Act: If at any time Her Majesty shall be pleased to appoint such Place of Confinement in *Scotland*, the same shall be a lawful Place of Confinement for such Offenders, whether Male or Female, under Sentence or Order of Transportation or Penal Servitude, as Her Majesty, under the Powers of the herein-before recited Act to that effect, may be pleased to direct to be removed thereto; and all the Provisions of the before-recited Acts relating to such Places of Confinement, and to the Persons confined therein, shall be in force in any Place so appointed in *Scotland*, so far as the same shall be applicable thereto and are not superseded by the Provisions of this Act; and such Place of Confinement shall be deemed a Prison for the Purposes of this Act, and all the Provisions herein contained relative to the General Prison, so far as the same are applicable to Persons under Sentence or Order of Transportation or of Penal Servitude, shall apply to such Place of Confinement.

REMOVALS OF PRISONERS.

LXVI. When, by the Order, Declaration, or other Proceeding by which a Prison is rendered legal, certain Prisoners other than the Class for which it is legal are appointed to be removed to another Prison within the same County, such Removal, as well as all Removals of Prisoners from one Local Prison to another within the same County, shall be carried out by or under the Direction of the County Board; and all Persons employed in such Removals shall obey the Instructions received by them from the County Board, so far as the same are consistent with the Provisions of this Act; and the Expense of such Removals shall be a Charge on the Assessment for current Expenses.

As to Removals of Prisoners by County Boards.

LXVII. Save as herein excepted, all Removals of Prisoners from one Prison in *Scotland* to another Prison in *Scotland*, and all Removals of Convicts sentenced to Transportation or to Penal Servitude from any Prison in *Scotland* to any One of Her Majesty's Prisons or Penitentiaries in *England*, in virtue of Warrants granted by One of Her Majesty's Principal Secretaries of State under the Provisions of the Statutes to that Effect, shall be carried out by or under the Direction of the Managers, who may issue Regulations or Instructions for carrying out such Removals, and fix from Time to Time the Remuneration and Allowances to be paid to the Persons employed therein; and such Regulations and Instructions shall, so far as the same are not inconsistent with the existing Laws or Statutes, be binding on the Persons to whom any such Warrants by order of Her Majesty's Principal Secretaries of State are addressed, and all other Persons employed in carrying into effect such Removals of Prisoners.

As to Removals of Prisoners by Managers.

As to Removals under Order of Secretary of State.

LXVIII. It shall be lawful, in virtue of an Order under the Hand of One of Her Majesty's Principal Secretaries of State, to remove any Prisoner from any Prison in *Scotland* to any other Prison in *Scotland*, being a legal Prison for the Class of Prisoners to which such Prisoner belongs, and the Sentence or Warrant under which he is committed shall be as effectual in the Prison to which he is so removed as in the Prison named therein.

Prisoners removed to General Prison may be taken back to Local Prison.

LXIX. Any Prisoner sentenced to a Period of Imprisonment who has been removed from a Local Prison to the General Prison may, at any Time before the Expiry of his Sentence, be removed back to the Local Prison whence he was brought, under the Provisions of this Act relating to the Removal of Prisoners.

Not to interfere with Removal by Court of Law.

LXX. Nothing in this Act contained relating to the Removal of Prisoners shall affect the Power possessed by any Court of Law to direct the Removal of any Prisoner to be carried out by any Officer of such Court or other Officer of the Law.

MISCELLANEOUS.

Persons who are entitled to visit Prisons.

LXXI. The following Persons shall be entitled to visit the several Prisons in *Scotland*; namely, Her Majesty's Principal Secretaries of State, or any Persons appointed by them or any of them; the Lords Lieutenant of Counties in *Scotland*, the Members of Her Majesty's Privy Council, the Judges of the Court of Session, the Lord Advocate and Solicitor General of *Scotland*, and the Managers appointed by or under the Authority of this Act: The following Persons shall also be entitled to visit the Local Prisons within their respective Counties and Burghs, namely, Sheriffs, Conveners of Commissioners of Supply, Members of County Prison Boards, Justices of the Peace, and Magistrates of Burghs; and any Person visiting a Prison which he is hereby empowered to visit shall have Access, if he desire it, to every Prisoner confined therein, or otherwise to such Prisoners as he may desire to see, and may report his Observations on the Discipline and Management of such Prison to the Administrators thereof, or to One of Her Majesty's Principal Secretaries of State: Provided that in any Rules for Prisons adopted under this Act Provision may be made for authorizing other Persons to visit any Prisons under such Restrictions as the Rules may contain; and that the Administrators of any Prison may by an Order in Writing grant special Permission to any Person to visit the same.

LXXII. When

LXXII. When in reference to any Person confined in a Prison it is certified by Two Medical Practitioners who have visited and carefully examined him, that he is afflicted with any contagious or infectious Disease which renders his Removal necessary for the Health of the other Inmates of the Prison, or that he is afflicted with any Disease which threatens immediate Danger to Life and cannot be treated in Prison, or that from his Condition continued Confinement would cause his Death, it shall be lawful for the Sheriff, on summary Application at the Instance of the Administrators of the Prison, accompanied by such Certificate, to order the Prisoner to be removed to an Hospital or other fit Place, under such Precautions as to the Sheriff may seem necessary and proper.

Removal of Prisoners diseased or in danger of Life to Hospitals, &c.

LXXIII. When any Sentence awarded by any Court of competent Jurisdiction for any Crime or Offence is a Sentence to a Period of Imprisonment, to be accompanied, during either the whole or a Portion of such Period, with Hard Labour, such Hard Labour shall be exacted and performed in the Manner set forth in the Rules applicable to the Prison for the Time being under this Act; and in any Rules which may be hereafter made in Terms of this Act, it shall be competent to include Rules for carrying out Sentences of Hard Labour.

As to Prisoners sentenced to Hard Labour.

LXXIV. In every Case where it is competent for any Judge or Magistrate to award Sentence of Imprisonment, or of Fine with the Alternative of Imprisonment, it shall be lawful for such Judge or Magistrate, in the Case of any Juvenile Offender, being a Male, whose Age in the Opinion of such Judge or Magistrate shall not exceed Fourteen Years, to adjudge such Offender, instead of Imprisonment or of Imprisonment and Hard Labour, or in addition to Imprisonment or Imprisonment and Hard Labour, to be punished by private Whipping, in such Manner and according to such Regulations as have been or shall be made by the Lord Advocate of *Scotland* in that Behalf, and approved by One of Her Majesty's Principal Secretaries of State.

Power to order Male Juvenile Offenders to be punished by private Whipping.

LXXV. If any Person shall carry or bring, or attempt or endeavour, by throwing over the Walls or by any other Means, to introduce, into any Prison in *Scotland* any Letters, Tobacco, Spirits, or other Articles not allowed by the Rules of such Prison, it shall be lawful for any Person to apprehend such Offender, and to carry him before the Sheriff, or any Two Justices of the Peace of the County, or any Magistrate of a Burgh in which such Prison is situated, who are hereby empowered to hear and determine such Offence in a summary Way; and if the Person complained of shall be lawfully convicted of such Offence, the Sheriff, Justices, or Magistrate shall forthwith

Penalty for introducing prohibited Articles into Prisons.

forthwith sentence such Offender to Imprisonment, with or without Hard Labour, for any Period not exceeding One Month, unless such Offender shall immediately pay such Penalty, not exceeding Five Pounds nor less than Forty Shillings, as such Sheriff, Justices, or Magistrate shall impose; and such Penalty shall be applied towards the Expense of such Prosecution, and the Surplus, if any, towards the Maintenance of such Prison.

Laws as to Aliment and Liberation, and Responsibility for safe Custody continued.

LXXVI. The Sheriff shall continue to exercise the Powers and Jurisdiction at present possessed by him with respect to Applications and Proceedings for Aliment and for Liberation of Civil Prisoners, and nothing herein contained shall be held to alter the Law with respect to the Aliment of Prisoners, or Responsibility for the safe Custody of Prisoners.

8 & 9 Vict. c. 19. incorporated with this Act for Acquisition of Lands.

LXXVII. For enabling the said Commissioners of Her Majesty's Works and Public Buildings, and any County Board to purchase, take, and acquire Lands for the Purposes of this Act, "The Lands Clauses Consolidation (*Scotland*) Act, 1845," shall be incorporated with and form Part of this Act: Provided that the Clauses of the said Lands Clauses Consolidation Act with respect to the Purchase and taking of Lands otherwise than by Agreement shall not be incorporated herewith, except for the Purpose of acquiring Lands adjoining to a Prison for the Purpose of enlarging such Prison; and the Expression "the Special Act" in the said Lands Clauses Consolidation Act shall mean this Act; and the Expression "the Promoters of the Undertaking" in the said Act shall mean and include the said Commissioners of Her Majesty's Works and Public Buildings, and any County Board seeking to acquire Lands under this Act.

SCHE-

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

TABLE of COUNTY PRISON BOARDS, containing the Number of Members to be appointed for the Landward Part of each County by the Commissioners of Supply thereof; for the Burghs situated in each County by the Magistrates thereof.

COUNTY.	Landward Part of County and Burghs.	No. of Members to be appointed.
1.	2.	3.
1. Aberdeen - -	Landward Part	15
	Aberdeen -	7
	Peterhead -	1
		23
2. Argyle - -	Landward Part	11
	Campbeltown -	1
		12
3. Ayr - - -	Landward Part	15
	Ayr - -	1
	Irvine - -	1
	Kilmarnock -	2
		19
4. Banff - - -	Landward Part	7
	Banff - -	1
		8
5. Berwick - -	Landward Part	9
6. Bute - - -	Landward Part	4
	Rothesay -	3
		7
7. Caithness - -	Landward Part	7
8. Clackmannan -	Landward Part	6
9. Dumbarton - -	Landward Part	7
	Dumbarton -	1
		8
10. Dumfries - -	Landward Part	14
	Dumfries -	2
		16
11. Edinburgh - -	Landward Part	6
	Edinburgh -	9
	Leith - -	2
	Musselburgh -	1
	Portobello -	1
		19
12. Elgin - - -	Landward Part	7
	Elgin - -	1
		8
13. Fife - - - -	Landward Part	13
	Cupar - -	1
	Dunfermline -	2
	Dysart - -	1
	Kirkcaldy -	1
	St. Andrews -	1
		19

Prisons (Scotland).

COUNTY.	Landward Part of County and Burghs	No. of Members to be appointed.
1.	2.	3.
14. Forfar - -	Landward Part	10
	Arbroath -	2
	Brechin - -	1
	Dundee - -	6
	Forfar -	1
	Montrose -	2
		22
15. Haddington - -	Landward Part	8
	Dunbar - -	1
	Haddington -	1
		10
16. Inverness - -	Landward Part	13
	Inverness -	2
		15
17. Kincardine - -	Landward Part	6
18. Kinross - -	Landward Part	6
19. Kirkcudbright -	Landward Part	8
20. Lanark - -	Landward Part	10
	Airdrie - -	1
	Glasgow -	14
	Hamilton -	1
	Lanark - -	1
	Rutherglen -	1
		28
21. Linlithgow - -	Landward Part	6
	Linlithgow -	1
		7
22. Nairn - - -	Landward Part	5
	Nairn - -	2
		7
23. Orkney - -	Landward Part	7
24. Peebles - -	Landward Part	6
	Peebles - -	1
		7
25. Perth - - -	Landward Part	16
	Perth - -	3
		19
26. Renfrew - -	Landward Part	10
	Greenock -	5
	Paisley - -	5
	Port-Glasgow -	1
	Renfrew -	1
		22
27. Ross and Cromarty	Landward Part	15
28. Roxburgh - -	Landward Part	11
	Jedburgh -	1
		12
29. Selkirk - -	Landward Part	4
	Selkirk - -	2
		6
30. Stirling - -	Landward Part	9
	Stirling - -	2
	Falkirk - -	1
		12
31. Sutherland - -	Landward Part	6
32. Wigtown - -	Landward Part	12
	Stranraer -	2
		14
33. Zetland - -	Landward Part	8

SCHE-

SCHEDULE (B.)

Name.	Sex.	Age	Occupation.	Married or unmarried	Offence	County where Offence committed	Date of Offence.	Number of previous Convictions, and from what Courts	Sentence *	Date of Sentence

* The Period for which the Prisoner is sentenced to be imprisoned, and the Prison in which he is sentenced to be confined, are to be inserted under this Head

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ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

***

Part of Sect. 10. of recited Act repealed.

I. So much of the Tenth Section of the Lands Clauses Consolidation Act, 1845, as provides that, save in the Case of Lands of which any Person is seised in fee or entitled to dispose absolutely for their own Benefit, the Consideration to be paid for any Lands, or for any Damage done thereto, shall be in a gross Sum, is hereby repealed.

Sects. 10. and 11. of recited Act, as to Power to sell, &c. Lands for an annual Rentcharge, and to recover, extended to all Sales, &c. where Parties are under Disability.

II. The Power to sell and convey Lands in consideration of an annual Rentcharge provided by the Tenth Section of the said Act, and the Power to recover such Rentcharge provided by the Eleventh Section of the said Act, are hereby extended to all Cases of Sale and Purchase or Compensation under the said Act where the Parties interested in such Sale, or entitled to such Compensation, are under any Disability or Incapacity, and have no Power to sell or convey such Lands, or to receive such Compensation, except under the Provisions of the said Act.

Similar Proviso with regard to Lands sold under Sect. 10. of 8 & 9 Vict. c. 19.

III. The Power to sell and convey Lands in consideration of an Annual Feu Duty or Ground Annual, under the Tenth Section of the Lands Clauses Consolidation (*Scotland*) Act, 1845, and the Power to recover such Annual Feu Duty or Ground Annual, are hereby extended to all Cases of Sale or Purchase or Compensation under the said Act, where the Parties interested in such Sale are under any Disability or Incapacity, and have no Power to sell or convey such Lands, or to receive such Compensation, except under the Provisions of the said Act.

Amount of Rentcharge to be settled in manner directed in the 9th Section of recited Acts.

IV. In every Case of such Sale or Compensation by any Parties other than Parties seised in fee or entitled to dispose absolutely of the Lands so sold or damaged, the Amount of such Rentcharge, Annual Feu Duty or Ground Annual, herein-before mentioned, shall be settled in the Manner directed in the Ninth Section of each of the said Acts respectively: Provided, that the Amount of such annual Rentcharge, Annual Feu Duty or Ground Annual, shall in no Case be less than One Fourth Part greater than the net annual Rent received by the Parties beneficially interested in such Lands, upon an Average of the last Seven Years; and that a Charge of Five *per Cent.* on the gross Sum estimated or fixed as aforesaid, by way of Compensation for any Damage that may be done to the said Lands, shall in all such Cases be added to and shall form a Part of the said Rentcharge, Annual Feu Duty or Ground Annual; and that no Fine, Foregift, Grassum, Premium, or other Consideration in the Nature thereof, shall be paid or taken in respect of the Lands so sold or damaged, other than the annual Rentcharge, Annual Feu Duty or Ground Annual, made payable for such Lands: Provided also, that such

such Rentcharge shall be and remain upon and for the same Uses, Trusts, and Purposes as those upon which the Rents and Profits of the Land so conveyed stood settled or assured at or immediately before the Conveyance thereof, and shall be a First Charge on the Tolls and Rates, if any, payable under the special Act.

If Lands purchased by way of Rentcharge, borrowing Powers to be reduced proportionally.

V. In case the Promoters of the Undertaking shall be empowered, by any Act or Acts relating thereto, to be passed after the passing of this Act, to borrow Money to an Amount not exceeding a prescribed Sum, then in the event of the Promoters of the Undertaking agreeing at any Time after the passing of this Act with any Person, under the Powers of this Act and of either of the Acts herein-before mentioned, or of either of the said Acts, only, for the Purchase of any Lands in consideration of the Payment of a Rentcharge, Annual Feu Duty or Ground Annual, the Powers of the Promoters of the Undertaking for borrowing Money shall be reduced by an Amount equal to Twenty Years Purchase of any Rentcharge, Annual Feu Duty or Ground Annual, so for the Time being payable.

Certain Clauses in 8 & 9 Vict. c. 18. extended to Purchases of Land, &c. for public Purposes.

VI. The Clauses contained in "The Lands Clauses Consolidation Act (1845)," relating to the Purchase of Lands by Agreement, and to Agreements for Sale and Conveyances, Sales, and Releases of any Lands or Hereditaments, or any Estate or Interest therein, by Parties under Disability, shall extend and be applicable to all Purchases of Land and Hereditaments for public Purposes which shall be hereafter made by the Council of any City or Borough, with the Sanction of the Commissioners of Her Majesty's Treasury, under the Powers for that Purpose contained in "The Municipal Corporation Mortgages, &c. Act (1860)."

Power to Secretary for War to use the Powers given to Promoters of Undertakings by 8 & 9 Vict. c. 18.

VII. For the Purchase or Acquisition of any Messuages, Lands, Tenements, and Hereditaments wanted for the Service of the Admiralty or of the War Department or for the Defence of the Realm, it shall be lawful for Her Majesty's Principal Secretary of State for the War Department for the Time being to use all or any of the Powers and Provisions by the Lands Clauses Consolidation Act, 1845, and by the Lands Clauses Consolidation (*Scotland*) Act, 1845, given to Promoters of the Undertaking, as therein mentioned, and for such Purposes the said Principal Secretary shall be deemed and taken to be the Promoters of an Undertaking within the Meaning of the said Act, and all the Powers and Provisions thereof shall, if used by Her Majesty's Principal Secretary of State for the War Department, be treated as if they were contained in the Fifth and Sixth *Victoria*, Chapter Ninety-four, for the Purpose of being used and made available by the Principal Officers of Her Majesty's Ordnance, and

and had been transferred to the said Principal Secretary for the Time being by the Eighteenth and Nineteenth *Victoria*, Chapter One hundred and seventeen, for the Purposes aforesaid: Provided always, that nothing herein contained shall authorize any Purchase otherwise than by Agreement of any Land, except according to the Provisions of the Twenty-third Section of the said Act of the Fifth and Sixth *Victoria*, or prejudice or affect the Powers and Authorities of the said Principal Secretary for the Time being under the said last-mentioned Statutes, or either of them.

This Act and 8 & 9 Vict. cc. 18. and 19. to be construed together.

VIII. This Act shall be read and construed as Part of the said Lands Clauses Consolidation Act, 1845, or of the Lands Clauses Consolidation (*Scotland*) Act, 1845, in all Matters in which it relates to the said Acts respectively; and in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression of "The Lands Clauses Consolidation Acts Amendment Act, 1860."

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ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

CAP. CVII.

An Act for granting to Her Majesty certain Duties on Wine Licences and Refreshment Houses, and for regulating the licensing of Refreshment Houses and the granting of Wine Licences, in *Ireland*.

[28th *August* 1860.]

Most Gracious Sovereign:

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, towards raising the necessary Supplies to defray Your Majesty's public Expenses, and making an Addition to the Public Revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several Rates and Duties herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. From and after the First Day of *July* One thousand eight hundred and sixty there shall be charged, levied, and paid, unto and for the Use of Her Majesty, Her Heirs and Successors, for and upon

From and after 1st July 1860 certain Duties to

be charged for Licences herein mentioned.

upon the several Licenses herein-after mentioned, the respective Rates and Duties following; that is to say,

	£	s.	d.
For every Licence to keep a Refreshment House—			
If the House and Premises in respect of which such Licence shall be granted shall be under the Value of 20*l.* a Year - - - - -	0	10	6
And if the same shall be of the Value of 20*l.* a Year or upwards - - - - -	1	1	0
And for every Licence to be granted as herein-after mentioned to any licensed Keeper of a Refreshment House to sell therein by Retail Foreign Wine to be consumed in such House or on the Premises belonging thereto—			
If such House and Premises shall be under the Value of 50*l.* a Year - - - - -	3	3	0
And if the same shall be of the Value of 50*l.* a Year or upwards - - - - -	5	5	0
And for every Licence to be taken out by any Person for the selling by Retail in any Shop of Foreign and *British* Wine not to be consumed in the House or Shop or on the Premises where sold—			
If the House and Premises shall be under the Value of 50*l.* a Year - - - - -	2	2	0
And if the same shall be of the Value of 50*l.* a Year or upwards - - - - -	3	3	0

Powers and Provisions of Excise Acts to apply to the Duties granted by this Act.

II. The Duties by this Act granted shall be deemed to be Excise Duties, and shall be under the Care and Management of the Commissioners of Inland Revenue for the Time being; and all Powers, Provisions, and Regulations, Penalties, and Forfeitures contained in or enacted by any Act in force in relation to Excise Duties, shall, in all Cases not herein expressly provided for, and so far as the same are not superseded by and are consistent with the express Provisions of this Act, be duly observed, applied, and put in execution for ascertaining the Value of any House or Premises in respect of which any Licence shall be applied for under this Act, and for charging, collecting, and securing the said Duties hereby granted, and otherwise relating thereto, as fully and effectually as if the same Powers, Provisions, and Regulations, Penalties and Forfeitures, were repeated and re-enacted in the Body of this Act with reference to such Value and to the said Duties hereby granted: Provided always, that the Valuation of any such House or Premises on which the last preceding Rate for the Relief of the Poor had been made shall be deemed and taken to be the Value of such House or Premises for any of the Purposes of this Act.

III. Every

Refreshment Houses and Wine Licences (Ireland).

III. Every Person who shall keep a Shop for the Sale of any Goods or Commodities other than Foreign Wine, or who shall have taken out a Licence as a Dealer in Wine (except Persons expressly disqualified by this Act), shall, without producing or having any other Licence or Authority, be entitled to take out a Licence under this Act to sell by Retail, and in reputed Quart or Pint Bottles only, in such Shop Foreign Wine not to be consumed on the Premises where sold, anything in any former Act to the contrary notwithstanding.

Every Person keeping a Shop entitled to take out a Licence to retail Wine not to be consumed on the Premises.

IV. Every Sale of Foreign Wine in any less Quantity than Two Gallons, or in less than One Dozen reputed Quart Bottles, at One Time, shall be deemed to be a selling by Retail.

What shall be deemed selling by Retail.

V. If any Person licensed to sell Wine not to be consumed on the Premises shall, with Intent to evade the Provisions of this Act, take or carry, or authorize or employ or permit or suffer any Person to take or carry, any Wine out of or from the House, Shop, or Premises of such licensed Person, for the Purpose of being sold on his Account, or for his Benefit or Profit drunk or consumed, in any other House or in any Tent, Shed, or other Premises of any Kind whatever belonging to such licensed Person, or hired, used, or occupied by him, such Wine shall be deemed and taken to have been drunk or consumed upon the Premises; and the Person selling the same shall be subject to the like Penalties as if such Wine had been actually consumed in any House or upon any Premises licensed only for the Sale thereof as aforesaid.

Permitting drinking Wine in a neighbouring House, Shed, &c., with Intent to evade the Provisions of the Act, to be deemed drinking on the Premises.

Penalty.

VI. All Houses, Rooms, Shops, or Buildings kept open for Public Refreshment, Resort, and Entertainment at any Time between the Hours of Nine of the Clock at Night and Seven of the Clock of the following Morning, not being licensed for the Sale of Beer, Cider, Wine, or Spirits respectively, shall be deemed Refreshment Houses within this Act, and the Resident, Owner, Tenant, or Occupier thereof shall be required to take out a Licence under this Act to keep a Refreshment House; and every Person who shall keep any House, Room, Shop, or Building for the Purpose of selling therein any Victual or Refreshment to be consumed on the Premises where the same shall be sold (except Beer, Cider, Wine, and Spirits sold respectively under a proper Licence in that Behalf), and every Person who shall keep any House, Room, Shop, or Building for the Consumption therein by the Public of any Refreshment (except as aforesaid), although the same shall not be sold therein, may, if he shall think fit, take out a Licence under this Act to keep a Refreshment House; and in all Proceedings and upon all Occasions whatever it shall be sufficient to describe by the Term Refreshment House any House, Room, Shop, or Building in which any such Article as aforesaid (except as aforesaid) is sold to

Persons keeping Houses, &c. herein named required to take out Licences.

to be consumed, or is consumed as aforesaid, without further or otherwise designating or describing the same; provided also, that no Licence shall be required under this Act to authorize any Person to keep a Refreshment House if the same shall not be situate within any Town or Place containing a Population exceeding Ten thousand according to the last Parliamentary Census.

Licences not required for Refreshment Houses in small Towns and Places.

Confectioners and Eating-house Keepers entitled to take out Licences to sell Wine to be drunk on the Premises.

VII. Every Person who shall be licensed to keep a Refreshment House, and shall pursue therein the Trade or Business of a Confectioner, or shall keep open such House as an Eating-house, for the Purpose of selling, to be consumed therein, Animal Food or other Victuals wherewith Wine or other fermented Liquors are usually drunk, shall be entitled (subject to the Terms and Conditions of this Act, and not being expressly disqualified thereby,) to take out a Licence to sell Foreign Wine by Retail in such Refreshment House, to be consumed on the Premises where the same shall have been sold, without producing or having any other Licence or Authority than as aforesaid; and every Confectioner and Eating-house Keeper respectively who shall have taken out such Licence to retail Wine under this Act, shall not be subject or liable to any Penalty or Forfeiture under any other Act or Acts by reason or on account of his selling Wine by Retail, or having the same in his Possession in his entered Premises, anything in any other Act or Acts to the contrary notwithstanding.

Wine Licences not to be granted for Refreshment Houses under a certain annual Value.

Persons disqualified to hold Wine Licences.

VIII. Provided always, That no Licence to sell Foreign Wine by Retail to be consumed on the Premises shall be granted for any Refreshment House which, with the Premises belonging thereto and occupied therewith, shall be under the Value of Eight Pounds a Year, nor for any Refreshment House situated in any City, Borough, Town, or Place containing a Population exceeding Ten thousand according to the then last Parliamentary Census, if such Refreshment House, with the Premises belonging thereto and occupied therewith, shall be under the Value of Fifteen Pounds a Year; and no Sheriff's Officer, Clerk of Petty Sessions, or Officer executing the legal Process of any Court of Justice, shall be capable of receiving or using any Licence under this Act to sell Wine by Retail to be consumed on the Premises; and every Licence which shall be granted contrary hereto shall be void to all Intents and Purposes.

Penalty for keeping a Refreshment House without Licence, 20*l.*

IX. Every Person who shall keep a Refreshment House for which a Licence is required by this Act, without taking out and having in force a proper Licence in that Behalf granted to him under the Authority of this Act, shall forfeit a Sum not exceeding Twenty Pounds, which Penalty shall be denominated an Excise Penalty, and be recovered as herein-after directed.

X. All

X. All Licences authorized to be granted under this Act shall be granted by and under the Hands of the Collector or other Person having Charge of the Excise Collection, and the Supervisor of Excise of the District within which respectively the Refreshment House or other House or Shop for or relating to which any such Licence shall be required, or by such other Person or Persons as the Commissioners of Inland Revenue shall appoint or authorize in that Behalf, on Payment of the Duty chargeable for such Licences respectively; and every such Licence shall be in One of the Forms No. 1., No. 2., or No. 3. contained in the Schedule annexed to this Act: Provided always, that it shall be lawful for the Commissioners of Inland Revenue from Time to Time to make such Alterations therein as they may deem to be necessary, in consequence of any Alteration or Amendment of the Law, in order to make such Form of Licence conformable to the Law for the Time being.

By whom Licences under this Act shall be granted.

Forms of Licences as in Schedules to this Act.

XI. All Licences which shall be granted under the Authority of this Act between the Thirty-first Day of *March* and the First Day of *May* in any Year shall be dated on the First Day of *April*, and all Licences which shall be granted at any other Time shall be dated on the Day on which the same shall be granted; and all such Licences, whensoever granted, shall have Effect on and after the Day of the Date thereof until the First of *April* then next following, and shall be renewed annually on Payment of the Duty by this Act charged thereon respectively.

Licences: Date, Expiration, and Renewal thereof.

XII. Upon the Death of any Person licensed under this Act before the Expiration of the Licence, it shall be lawful for the Persons authorized to grant Licences to authorize and empower, by Endorsement or otherwise, as the Commissioners of Inland Revenue shall direct, the Executors or Administrators or the Widow or Child of such deceased Person who shall be possessed of and occupy the Dwelling House and Premises before used for such Person, if not disqualified by Law, to continue the Business for which such Licence was granted, and to sell in the same House and Premises such Articles as by the said Licence are authorized to be sold therein, during the Residue of the Term for which such Licence was originally granted, without taking out any fresh Licence or Payment of any additional Duty thereon, and the Person so authorized and empowered shall then be deemed to be a Person licensed under this Act, and accordingly subject to the Provisions, Conditions, Regulations, and Penalties contained therein.

On Death of a licensed Person, his Representative, or Widow or Child, may be authorized to continue the Business for which the Licence was granted, for the Remainder of the Term thereof.

XIII. If any Person licensed to keep a Refreshment House shall be desirous of selling Foreign Wine by Retail to be consumed therein, he

Notice of First Application for a Wine Li-

Licence for a Refreshment House to be given to Justices, who may object to the granting thereof on Grounds to be stated.

he shall, previously to the granting to him for the First Time of a Licence for that Purpose, fill up and sign a Requisition for such Licence in such Form as the Commissioners of Inland Revenue shall provide in that Behalf, specifying therein the true Christian and Surname and Place of Abode of the Applicant, the Description and Situation of the House for which the Licence is required, and the net annual Value of such House, according to the Valuation thereof last made for Poor Law Purposes under the Laws then in force, and such Requisition, together with Two Copies thereof, shall be delivered to the Supervisor of Excise for the District in which such Refreshment House is situate, who shall forthwith deliver or transmit by Post One of such Copies, together with a Notice to the Effect herein-after mentioned, to the Sub-Inspector of Constabulary of the District, or in his Absence to the Head Constable, and the other of such Copies to the Clerk of Petty Sessions for the District within which such Refreshment House is situate; or, if such Refreshment House is situated within the Police District of *Dublin* Metropolis, the Supervisor of Excise shall deliver or transmit by Post in like Manner One of such Copies, together with a Notice to the Effect herein-after mentioned, to the Superintendent of Police for the Division in which such Refreshment House is situate, and the other of such Copies to the Clerk of the Divisional Justices in the Police District of *Dublin* Metropolis; and each such Copy shall be accompanied by a Notice to such Sub-Inspector and Justices respectively, signed by the said Supervisor, to the Effect that a Licence to retail Wine will be granted pursuant to such Requisition on or immediately after a Day to be specified in such Notice, not less distant than Thirty Days from the Day of the Delivery or Transmission of the same, unless in the meantime Notice in Writing, signed by a Justice or Justices in Petty Sessions, or by a Divisional Justice or Justices, as the Case may be, shall be received by the said Supervisor to the Effect that the Justice or Justices, as the Case may be, doth or do object to the granting of the said Wine Licence on one or more of the Grounds herein-after mentioned, specifying the same, that is to say, that the House for which such Licence is required is not a Confectioner's Shop, or an Eating House within the Meaning of this Act, or not of the annual Value required by this Act, or that it is a disorderly House, or a House frequented by Prostitutes or other disorderly Persons, or that it is adjudged disqualified for the Sale of Wine therein, or that the Applicant is a Member of an unlawful Society, or is disqualified from selling Wine under the Provisions of this Act, specifying the Grounds of such Disqualification respectively, or that the Applicant has within Three Years been convicted of any Offence punishable by Imprisonment, or that the Applicant having within Three Years held a Licence to keep a Common Inn, Alehouse,

or

or Victualling House, or being licensed as a Grocer to sell Spirits, has forfeited or been refused a Renewal of such Licence; and if such Notice of Objection shall be received by the said Supervisor within the Time limited as aforesaid the said Licence shall not be granted, but if otherwise, and no such Caveat as herein-after mentioned be received by the said Supervisor, then such Licence shall be granted on Payment of the Duty by this Act charged thereon, provided the Applicant shall be entitled to such Licence under the Provisions of this Act in other respects.

Sub-Constabulary Officer or Superintendent of Police may object to the granting of such Wine Licence.

XIV. The Sub-Inspector of the District, or in his Absence the Head Constable, or, if in the Police District of *Dublin* Metropolis, the Superintendent of Police of the Division, shall be and is hereby authorized to object to the granting of such Wine Licence before any Justice or Justices at Petty Sessions, or any Divisional Justice or Justices, on One or more of the Grounds of Objection herein-before mentioned, and such Justice or Justices respectively shall then, or at some other convenient Time to be appointed, proceed to consider, examine on Oath into, and adjudicate upon the Truth, Sufficiency, and Validity of any such Objection; and if such Justice or Justices respectively shall be thereupon satisfied of the Validity of any such Objection, he or they shall by Order in Writing, to be duly entered by the Clerk, refuse to allow such Licence to be issued, and therein declare the Grounds of such Refusal: Provided always, that no such Notice of Objection shall be signed by such Justice or Justices until after they respectively shall have summoned the Applicant for such Licence to show Cause, and shall have heard him against the Objection to the granting thereof, or he shall have refused or neglected to attend before him or them respectively pursuant to such Summons; and every such Summons shall specify the Grounds of such Objection; and it shall be lawful for such Justice or Justices respectively, pending their Decision upon any such Objection as aforesaid, and before the Expiration of the said Period of Thirty Days, to transmit to the said Supervisor a Notice by way of Caveat against the granting such Licence, and in that Case the Licence shall not be granted, if within the further Period of Thirty Days from the Receipt of such Caveat the Objection to the granting of the Licence shall be affirmed by the said Justice or Justices, and Notice thereof shall be given to the said Supervisor.

Persons aggrieved may appeal to Quarter Sessions.

XV. In case any Person shall feel aggrieved by such Order of Refusal, it shall be lawful for such Person to appeal against the same to the Quarter Sessions of the Division within which such Person shall reside, or, if in the Police District of *Dublin* Metropolis, to the Recorder of the City of *Dublin* at the Quarter Sessions held next after

after such Order shall have been made; but in case there shall not be Fifteen clear Days between the making of the Order and such next Quarter Sessions, then to the Quarter Sessions next following in such Division or City, as the Case may be; and in such Appeal the Party opposing such Application shall be Respondent, and no other Ground for refusing such Licence shall be entered upon except such as shall be stated in such Order of Refusal; and such Appeal shall be subject to the like Incidents and be heard and dealt with by the Court of Quarter Sessions or Recorder in the like Manner as an Appeal from an Order of the Justices at Petty Sessions under the "Petty Sessions, *Ireland*, Act, 1851," save that the Recognizance to be entered into shall be in the Form in Schedule No. 4. to this Act annexed: Provided always, that such Appeal shall not be dismissed upon any Point of Form.

If Order of Refusal reversed, Supervisor to grant such Li-

XVI. If upon the Hearing of any Appeal from the Order of the Justices at Petty Sessions or the Divisional Justices, as the Case may be, the Justices at Quarter Sessions or the Recorder, as the Case may be, shall reverse the said Order, then and in such Case the Justices at Quarter Sessions, or the Recorder, shall declare the Appellant entitled to obtain such Licence, and thereupon the said Supervisor of Excise shall grant such Licence to the Appellant on the Production to such Supervisor of a Certificate from the Clerk of the Peace, in the Form No. 5. in the Schedule to this Act annexed (for which Certificate the Clerk of the Peace may charge a Sum of Two Shillings and Sixpence), certifying that the Order of Refusal had been reversed, and that the Court had declared the Appellant entitled to such Licence.

Justices may object to the Renewal or Transfer of a Wine Licence if they shall see just Cause of Objection.

XVII. Provided always, That it shall be lawful for any Justice or Justices at Petty Sessions, or for any Divisional Justice or Justices, as the Case may be, after any such Wine Licence shall have been granted for any Refreshment House within their respective Jurisdictions, but Three Months at least before the Expiration of such Licence, to give Notice to the Holder thereof to appear before him or them respectively, and show Cause why an Objection (stating the Grounds thereof) should not be lodged against a Renewal or Transfer of his Licence; and if upon the Hearing the said Justice or Justices respectively shall see just Cause of Objection on One or more of the Grounds herein-before mentioned (in respect of granting for the First Time such Wine Licence), such Justice or Justices respectively shall give to the said Supervisor of the District within which the said Refreshment House shall be situated Notice of Objection against the Renewal or Transfer of such Licence, and shall specify the Grounds of Objection in such Notice, and make an Order accordingly;

accordingly; and on the Expiration of such Wine Licence, after such Notice as aforesaid given to the Supervisor, no Renewal or Transfer thereof shall be granted unless the Decision of the said Justice or Justices respectively shall be reversed upon an Appeal against the same, as herein-after allowed: Provided always, that it shall be lawful for the Holder of the said Licence to appeal against the said Order of Refusal to the Quarter Sessions of the Division within which such Person shall reside, or, if in the Police District of *Dublin* Metropolis, to the Recorder of the City of *Dublin*, at the Quarter Sessions which shall be held in such Division or City (as the Case may be) after the Expiration of Ten Days from the making of such Order of Refusal, upon giving Seven Days previous Notice in Writing to such Justice or Justices respectively of his Intention so to appeal; and such Court of Quarter Sessions for such Division or City respectively shall hear and finally determine the said Appeal; and upon Notice of such Determination given to the said Supervisor the said Licence shall be refused or granted in conformity therewith; provided always, that such Appeal shall be subject to the like Incidents and Provisions (so far as the same are applicable), and shall be heard and dealt with by the Court of Quarter Sessions, or Recorder, in the like Manner as an Appeal from an Order of Refusal of such Justice or Justices respectively to grant for the First Time a Wine Licence under the Provisions of this Act; and if the Appellant shall be declared entitled to the Renewal or Transfer of such Licence, the Supervisor of Excise shall grant such Licence on the Production of a Certificate from the Clerk of the Peace as herein-before provided.

A List of Licences to be kept by Collectors and Supervisors for Inspection of the Justices, and Copies of the List to be transmitted to the Justices Clerk.

XVIII. A List or Register of every Licence granted under the Authority of this Act, specifying the Name and Place of Abode of every Person licensed, and the Name and Description of the House for which such Licence shall be granted, and whether the Licence shall be to keep a Refreshment House or for the Sale of Wine therein, shall be kept at the Office or Dwelling House of every Collector and Supervisor of Excise in their respective Collections and Districts; and such List or Register shall at all Times be produced to and shall be open to the Inspection and Perusal of any Justice of the County or Place where such Licence shall be granted and where such House shall be situate, and a Copy of such List and Register shall, once in every Six Months, be transmitted by every Collector and Supervisor of Excise to the Clerk of Petty Sessions for the District within which such Refreshment House is situated for which such Licence shall be granted, or if such Refreshment House is situated within the Police District of *Dublin* Metropolis, to the Clerk

of

of the Divisional Justices in such District, and any Copy or Extract of or from such List or Register which shall be at any Time required by such Clerk respectively shall be given to him by such Collector or Supervisor whenever thereto required.

In case of Complaint licensed Retailers of Wine to produce their Licences on Requisition of Justice.

XIX. In case any Complaint shall be laid before any Justice or Justices against any Person licensed to sell Wine by Retail under the Authority of this Act, for any Offence against the Tenor of his Licence or against this Act, it shall be lawful for such Justice or Justices (if he or they shall think fit) to require such Person to produce his Licence before them, for their Examination; and if such Person shall wilfully neglect or refuse so to do he shall forfeit and pay any Sum not exceeding Five Pounds, as the said Justice or Justices shall think proper.

Constables and Police Officers empowered to visit licensed Refreshment Houses.

Penalty for refusing them Admittance.

Licence to be forfeited on Second Conviction if Justices think fit.

XX. It shall be lawful for any Inspector or Superintendent or Serjeant of Police, or for any County Inspector, Sub-Inspector, Head or other Constable, when and so often as he or they shall respectively think proper, to enter at any Time between the Hours of Nine at Night and Seven in the Morning into all Houses licensed as Refreshment Houses under the Authority of this Act, and into and upon the Premises belonging thereto; and if any Person licensed to keep a Refreshment House, or any Servant or other Person in his Employ or by his Direction, shall refuse to admit or shall not admit any such Officer of Police or Constable demanding Admittance into such Refreshment House or upon such Premises, the Person so licensed shall for the First Offence forfeit and pay any Sum not exceeding Five Pounds, together with the Costs of Conviction, to be recovered before One or more Justices, on Information or Complaint made within Seven Days next after the Day on which such Offence was committed; and it shall be lawful for any such Justice or Justices before whom any such Person shall be convicted for the Second Time of any such Offence to adjudge (if he or they shall so think fit) the Licence or Licences of such Offender in respect of such Refreshment House to be forfeited, and that he shall be disqualified from having any Licence granted to him under this Act in respect of such House for the Space of Two Years, or for such shorter Space of Time as he or they may think proper to adjudge.

Penalty for selling Wine by Retail without Licence.

XXI. Every Person who shall sell any Wine by Retail, whether to be consumed on the Premises or not, without having a proper Licence in force duly authorizing him in that Behalf, shall, over and above any other Penalty to which he may be liable, forfeit the Sum of Twenty Pounds, which shall be denominated an Excise Penalty.

XXII. If

XXII. If any Person, not being duly licensed to sell Wines, shall retail any Wine, either to be consumed in or upon the House or Premises or off the Premises where sold, or if any Person shall sell any Wine to be consumed in or upon the House or Premises where sold without being licensed so to do, such Person shall, in addition to any Excise Penalty to which he may thereby become subject, forfeit the Sum of Five Pounds.

Additional Penalty on unlicensed Persons selling Wine.

XXIII. All Liquor which shall be sold or offered for Sale by any Person, whether licensed under this Act or not, as being Foreign Wine, or under the Name by which any Foreign Wine is usually designated or known, shall, as against the Person who shall so sell or offer the same for Sale, be deemed and taken to be Foreign Wine; and any Fermented Liquor containing a greater Proportion than Forty *per Centum* of Proof Spirit shall be deemed and taken to be Spirits.

What shall be deemed Foreign Wine, and what be deemed Spirits.

XXIV. Every Person who shall be convicted of Felony or of selling Spirits without Licence shall for ever thereafter be disqualified from selling Wine by Retail, and no Licence to sell Wine by Retail under this Act shall be granted to any Person who shall have been so convicted as aforesaid; and if any Person shall, after having been so convicted as aforesaid, take out or have any Licence to sell Wine by Retail under this Act, the same shall be void to all Intents and Purposes; and every Person who shall, after being convicted as aforesaid, sell any Wine by Retail in any Manner whatsoever, shall incur the Penalty for so doing without Licence; and in all such Cases, in the Prosecution for the Recovery of such Penalty a Certificate from the Clerk of Assize or the Clerk of the Peace or Person acting as such of any such Conviction as aforesaid shall on the Trial in such Prosecution be legal Evidence thereof.

Licences to be void on Conviction of Felony or selling Spirits without Licence.

XXV. Every Person licensed to retail Wine under this Act shall, in manner directed by the Laws of Excise in that Behalf, make Entry with the proper Officer of Excise of every House, Cellar, Room, and Place for storing, keeping, or retailing of Wine, on pain of forfeiting the Penalties imposed by the Statutes in that Behalf for making use of any unentered Room or Place; and all Wine found in any such unentered House, Cellar, Room, or Place shall be forfeited.

Licensed Retailers of Wine to make Entry of Houses, &c. with the Excise.

XXVI. It shall be lawful for any Officer of Excise, or for any Inspector of Constabulary, Superintendent of Police, Head or other Constable, during the Hours in which any House licensed for the Retail of Wine to be consumed on the Premises may be kept open, to enter into every House, Cellar, Room, or Place used for the storing, keeping,

Excise Officers, &c. empowered to enter the Premises of licensed Retailers of Wine.

keeping, or retailing of Wine to be consumed as aforesaid, and to make search for and seize all Spirits which may be found in any such House, Cellar, Room, and Place, and to examine all Wine kept therein; and all Powers granted to such Officer of Excise, Inspector, Superintendent of Police, Head or other Constable, by an Act of the Seventeenth and Eighteenth Years of the Reign of Her Majesty, Chapter Eighty-nine, Section Twelve, shall and may be exercised with respect to Houses licensed for the Retail of Wine under this Act.

Penalty on Persons licensed to retail Wine having Spirits in their used Premises.

XXVII. If any Person licensed to retail Wine under this Act shall receive into or keep or have in his Possession, in any Cellar, Room, or Place used for storing, keeping, or retailing Wine, any Spirits, he shall, in addition to all other Penalties, forfeit the Sum of Fifty Pounds, which shall be denominated an Excise Penalty; and all Spirits found in any such Cellar, Room, or Place shall be forfeited; and on Conviction of any such licensed Person in any Penalty for having Spirits in his Possession, or for selling or retailing Spirits, the Licence of such Person for retailing Wine shall become null and void, and shall be so adjudged.

Standard Measures to be used in the Sale of Wine.

XXVIII. Every Person licensed under this Act to sell Wine by Retail shall, if required, sell or otherwise dispose of all such Wine (except Wine in Bottle and Quantities less than Half a Pint) by the Gallon, Quart, Pint, or Half Pint Measure, sized or marked according to the Standard, and shall also, if required by any Guest or Customer purchasing such Wine, retail the same in a Vessel sized or marked according to such Standard; and in default thereof he shall for every such Offence forfeit the illegal Measure, and pay a Sum not exceeding Forty Shillings, together with the Costs of the Conviction, to be recovered by Information or Complaint made within Seven Days next after that on which the Offence was committed, before any Justice or Justices at Petty Sessions or Divisional Justice or Justices, as the Case may be; and such Penalty shall be over and above all Penalties to which the Offender may be liable under any other Act.

Limitation of Hours for opening and closing Houses licensed for the Sale of Wine by Retail.

XXIX. No Person licensed under this Act to sell Wine by Retail shall have or keep his House open for the Sale of Wine, nor shall sell any Wine, nor shall suffer any Wine to be drunk or consumed in or at such House at any Time before the Hour of Seven of the Clock in the Morning, nor after Eleven of the Clock at Night, of any Day in the Week within the Police District of *Dublin* Metropolis; nor after Eleven of the Clock at Night within any City, Town Corporate, or Place, the Population of which, according to the last Parliamentary

Parliamentary Census, shall exceed Two thousand five hundred, or within One Mile, to be measured as aforesaid, from any Polling Place used at the last Election for any Town having a like Population, and returning a Member or Members to Parliament; nor after Ten of the Clock at Night elsewhere; nor shall any such House be open for the Sale or Consumption therein of any Article whatever at any Time during which Houses licensed for the Sale of Spirits, Wine, Beer, Ale, Cider, or Perry, are or hereafter shall be closed on any *Sunday*, *Good Friday*, or *Christmas Day*, or any Day appointed for a Public Fast or Thanksgiving; nor at any Time between the Hours of One and Four of the Clock in the Morning on any Day whatever; and if any Person licensed as aforesaid shall keep his House open for selling or shall sell any Wine, or suffer any Wine to be drunk or consumed in or at such House, at any other Time than as herein-before prescribed and directed, or shall keep his House open as aforesaid, contrary to any Prohibition in this Clause contained, he shall forfeit the Sum of Forty Shillings for every Offence; and every separate Sale shall be deemed a separate Offence: Provided always, that nothing in this Clause contained shall extend to prevent the Keeper of a Refreshment House, being duly licensed to retail Wine, from selling to any Lodger therein any Wine at any Hour of the Day or Night, either on *Sunday* or any other Day.

Exception in favour of Lodgers.

XXX. It shall be lawful for any Two Justices acting for any County or Place where any Riot or Tumult shall happen or be expected to take place to order or direct that every Person licensed under the Authority of this Act to sell Wine by Retail in any House within their respective Jurisdiction, in or near the Place where such Riot or Tumult shall happen or be expected to take place, shall close his House at any Time which the said Justices shall order or direct; and every such Person who shall keep open his House at or after any Hour at which such Justices shall have so ordered or directed such House to be closed shall be taken and deemed to have not maintained good Order and Rule therein, and to be guilty of an Offence against the Tenor of the Licence granted to him.

Houses licensed for the Sale of Wine to be closed by Order of Justices in Cases of Riot, &c.

XXXI. Every Person licensed under this Act to sell Wine by Retail who shall permit any Person to be guilty of Drunkenness or other disorderly Conduct in the House or Premises mentioned in such Licence, or who shall himself be guilty of any such disorderly Conduct, shall for every such Offence forfeit the respective Sums following; and every Person who shall trangress or neglect or shall be a Party in transgressing or neglecting the Conditions and Provisions specified in such Licence, or shall allow such Conditions or Provisions to be in any way transgressed or neglected in the said House or Premises, shall

Penalty on Retailers of Wine permitting Drunkenness, &c. in their Houses.

shall be deemed guilty of disorderly Conduct; and every Person so licensed who shall permit or be guilty of any such disorderly Conduct shall for the First Offence forfeit any such Sum not less than Forty Shillings nor more than Five Pounds, as the Justice or Justices before whom he shall be convicted of such Offence shall adjudge, and for the Second Offence any Sum not less than Five Pounds nor more than Ten Pounds, and for the Third such Offence any Sum not less than Twenty Pounds nor more than Fifty Pounds; and it shall be lawful for the Justice or Justices before whom any such Conviction for any such Second or Third Offence shall take place to adjudge, if he or they shall so think fit, that such Offender shall be disqualified from selling Wine by Retail for any Term not exceeding Five Years next ensuing such Conviction, and to cause a Certificate of such Conviction to be transmitted to the Collector of Inland Revenue within whose District the Person so convicted shall reside; and if any Person so licensed as aforesaid shall mix or cause to be mixed any Spirits or any Drugs or other pernicious Ingredients with any Wine sold in his House or Premises, or shall fraudulently dilute or in anyways adulterate any such Wine, or shall sell or offer for Sale any Wine which, to the Knowledge of such Person, has been so mixed, diluted, or adulterated, he shall for the First Offence forfeit any Sum not less than Ten Pounds nor more than Twenty Pounds, as the Justice or Justices before whom he shall be convicted of such Offence shall adjudge, and for the Second such Offence he shall be disqualified from selling Wine by Retail for the Term of Five Years, or forfeit any Sum of Money not less than Twenty Pounds nor more than Fifty Pounds, at the Discretion of the Justice or Justices before whom he shall be adjudged guilty of such Offence; and if any Offender convicted of such Second Offence as last aforesaid shall during such Term of Five Years sell any Wine by Retail, either in the House and Premises mentioned in his Licence or in any other Place, he shall forfeit any Sum not less than Twenty-five Pounds nor more than Fifty Pounds, and shall be subject to a like Penalty at any and every House or Place where he shall commit such Offence.

First Offence.

Second Offence.

Third Offence.

Penalty for mixing Spirits or Drugs in Wine or adulterating Wine.

First Offence.

Second Offence.

Penalty on selling Wine after Conviction of Second Offence.

XXXII. All Penalties under this Act, except those denominated Excise Penalties, shall be recovered upon the Information or Complaint of any Inspector or Superintendent or Serjeant of Police, or any County Inspector, Sub-Inspector, Head or other Constable, before any Justice or Justices at Petty Sessions or before any Divisional Justice or Justices in the Police District of *Dublin* Metropolis, and shall be prosecuted and proceeded for within Three Calendar Months next after the Commission of the Offence in respect of which such Penalty shall be incurred, or within such shorter Time as may be herein limited with regard to any particular Penalty; and every Person

Penalties other than Excise Penalties recoverable before a Justice or Justices in Petty Sessions, &c. within Three Months after Offence committed.

Person licensed under this Act to retail Wine, to be consumed on the Premises, who shall be convicted before any such Justice or Justices respectively of any Offence against the Tenor of the Licence to him granted under this Act, or of any Offence for which any Penalty is imposed by this Act, shall, unless Proof be adduced to the Satisfaction of such Justice or Justices respectively that such Person had been theretofore convicted within the Space of Twelve Calendar Months next preceding of some Offence against the Tenor of his Licence or against this Act, be adjudged to be guilty of a First Offence against the Provisions of this Act, and to forfeit and pay any Penalty by this Act imposed for such Offence, or if no specific Penalty be so imposed then any Sum not exceeding Five Pounds, together with the Costs of the Conviction; and if such Proof as aforesaid shall be adduced, that such Person had been previously convicted within the Space of Twelve Calendar Months next preceding of One such Offence only, such Person shall be adjudged to be guilty of a Second Offence against the Provisions of this Act, and to forfeit and pay any Penalty by this Act imposed for such Offence, or if no specific Penalty be so imposed then any Sum not exceeding Ten Pounds, together with the Costs of the Conviction; and if such Proof as aforesaid shall be adduced that such Person had been previously convicted within the Space of Eighteen Calendar Months next preceding of Two such separate Offences, and if Proof shall be adduced to the Satisfaction of such Justice or Justices respectively that such Person so charged is guilty of the Offence charged against him, such Person shall be adjudged to be guilty of a Third Offence against the Provisions of this Act, and to forfeit any Penalty imposed by this Act in respect of such Offence, or if no such specific Penalty shall be so imposed then to forfeit and pay the Sum of Fifty Pounds, together with the Costs of the Conviction.

Second Offence.

Third Offence.

XXXIII. It shall be lawful for any such Justice or Justices before whom any Person holding a Licence under this Act for the Sale of Wine by Retail shall be convicted of any Offence against the Tenor of the said Licence, or for which any Penalty is imposed by this Act, if Proof shall be adduced to their Satisfaction that within Two Years last preceding such Conviction Two Convictions for any such Offence of the same Person, or of any other Person licensed in respect of the same House or Premises, have taken place, to declare the Licence granted in respect of the said House or Premises forfeited and void, and to adjudge that no Licence for the Sale of Wine shall be granted to any Person whatever in respect of the said House or Premises for the Term of Three Years from the Date of such Adjudication, of which Adjudication the Justice or Justices shall give Notice to the Supervisor of Excise; and any Licence for the Sale

Justices may adjudge Premises disqualified for Sale of Wine on Proof that within Two Years last preceding such Third Conviction Two Convictions have taken place.

Sale of Wine that may be granted in respect of the said House or Premises during the said Term of Three Years shall be null and void.

Penalties for Offences in Refreshment Houses.

XXXIV. Every Person licensed to keep a Refreshment House under this Act who shall (without a Licence for that Purpose) sell or permit or suffer to be sold within such Refreshment House any intoxicating Liquor, or shall knowingly suffer any unlawful Games or Gaming therein, or knowingly suffer Prostitutes, Thieves, or drunken and disorderly Persons, or Members of an unlawful Society to assemble at or continue in or upon his Premises, or do, suffer, or permit any Act in contravention of his Licence, shall, upon Conviction thereof before any such Justice or Justices as herein-before mentioned, pay for the First Offence a Fine not exceeding Forty Shillings, for the Second Offence a Fine not exceeding Five Pounds, and for every subsequent Offence a Fine not exceeding Twenty Pounds, or be subject to a Forfeiture of his Licence, at the Discretion of such Justice or Justices before whom he shall be convicted; and in case of such Forfeiture of his Licence, such Person shall be disqualified for the Space of One Year then next ensuing from obtaining a fresh Licence; and such fresh Licence, if obtained within the said Year, shall be absolutely null and void to all Intents and Purposes.

Power to Justices to mitigate Penalties.

XXXV. It shall be lawful for the Justice or Justices before whom any Person shall be convicted of any Offence against this Act to mitigate, if he or they shall see Cause, any Penalty incurred for such Offence; provided that where any Conviction shall take place on any Information exhibited under the Laws of Excise such Penalty shall not be mitigated to any less Sum than One Fourth Part thereof.

Appeal to the Sessions against a Second or Third Conviction.

XXXVI. Provided always, That it shall be lawful for the Party convicted of any such Second or Third Offence to appeal to the Quarter Sessions of the Division within which such Person shall reside, or if in the Police District of *Dublin* Metropolis, to the Recorder of the City of *Dublin* at the Quarter Sessions then next ensuing, unless such Sessions shall be held within Twelve Days next after such Conviction, and in that Case to the then next subsequent Sessions; and in such Case the Party so convicted shall, before the convicting Justice or Justices, forthwith enter into a Recognizance, with Two sufficient Sureties, personally to appear at such Quarter Sessions, and to abide the Judgment of the Court thereupon, and to pay such Costs as shall be by the Court awarded, which Recognizances such Justices are hereby authorized to require and take, or in failure of the Party convicted entering into such Recognizance the Conviction

viction shall remain good and valid to all Intents and Purposes; and the said Justices who shall take such Recognizance from the Party convicted are also hereby required to bind the Person who shall make such Charge in a Recognizance to appear at such Quarter Sessions as aforesaid, then and there to give Evidence against the Person so charged, and in like Manner to bind any other Person who shall have any Knowledge of the Circumstances of such Offence; and it shall be lawful for such Court of Quarter Sessions to adjudge such Person to be guilty of any such Second or Third Offence against the Provisions of this Act, as the Case may be, and such Adjudication shall be final to all Intents and Purposes; and it shall be lawful for such Court of Quarter Sessions to punish such Offender by Fine not exceeding the Sum of One hundred Pounds, together with the Costs of such Appeal, or to adjudge the Licence granted to and held by or on behalf of such Offender to be forfeited and void, or to adjudge that no Wine shall be sold by Retail in the House or Premises mentioned in the Licence of such Offender for the Term of Two Years from the Date of such Adjudication, or to punish such Offender by such Fine as aforesaid, and to adjudge such Premises to be disqualified for the Sale of Wine as aforesaid, and such Licence to be forfeited and void, and if such Licence shall be adjudged to be forfeited and void, it shall thenceforth be void accordingly; and whenever in such Case or in any other Case the Licence of such Offender shall be adjudged to be void, such Offender shall from and after such Adjudication be deemed and taken to be incapable of selling Wine by Retail in any House kept by him for the Space of Two Years, to be computed from the Time of such Adjudication, and any Licence granted to such Person during such Term shall be void to all Intents and Purposes.

Court to adjudge Costs of Appeal in certain Cases.

XXXVII. Whenever it shall happen that any Appeal in pursuance of this Act shall be dismissed, or that the Judgment appealed against shall be affirmed, or that such Appeal shall be abandoned, it shall be lawful for the Court to which such Appeal shall have been made or intended to have been made, and such Court is hereby required, to adjudge and order that the Party so having appealed, or having entered into such Recognizance, shall pay to the Respondent or Person prosecuting such Charge such Sum by way of Costs as shall in the Opinion of such Court be sufficient to indemnify such Respondent or Person from all Costs and Charges whatsoever to which such Respondent or Person may have been put in consequence of the Intention or declared Intention of such Party to appeal; and if such Party shall refuse or neglect to pay forthwith such Sum, it shall be lawful for the said Court to adjudge and order that the Party so refusing or neglecting shall be committed to the Common Gaol or House of Correction,

rection, there to remain until such Sum be paid, or for any Time not exceeding Six Calendar Months, unless such Sum be sooner paid; and in every Case in which the Judgment so appealed against shall be reversed it shall be lawful for such Court (if it shall think fit) to adjudge and order that the Treasurer of the County in and for which such Justice or Justices whose Judgment shall have been so reversed shall have acted on the Occasion when they shall have given such Judgment shall pay to such Respondent or Person, or to whomsoever they shall appoint, such Sum as shall in the Opinion of such Court be sufficient to indemnify such Respondent or Person from all Costs and Charges whatsoever to which he or they may have been so put; and the said Treasurer is hereby authorized to pay the same, which shall be allowed to him in his Accounts.

Proceedings on Appeal to be carried on by the Constable, and the Expenses of Prosecution to be charged on the County.

XXXVIII. In every Case in which any Appeal shall be made by any Person convicted of any Offence under the Provisions of this Act to the Quarter Sessions it shall be lawful for the convicting Justice or Justices, if no other fit and proper Person shall appear to prosecute such Charge, and to carry on such Proceedings as may be necessary to obtain at such Session an Adjudication thereon, to order that an Inspector, or Superintendent, or Serjeant of Police within the Police District of *Dublin* Metropolis, or, if elsewhere, a County Inspector, Sub-Inspector, Head or other Constable of the District in which the House kept by the Person charged shall be situate, as to the said Justice or Justices respectively shall seem fit, shall carry on all Proceedings necessary to obtain such Adjudication as aforesaid, and to bind any such Inspector, Superintendent, or Serjeant of Police, or County Inspector, Sub-Inspector, Head or other Constable, in a sufficient Recognizance so to do; and it shall be lawful for the Justice or Justices before whom such Offender shall have been convicted to order the Treasurer of the County in and for which such Justice or Justices shall then act to pay to such Inspector, Superintendent, Serjeant of Police, or County Inspector, Sub-Inspector, Head or other Constable, and to the Witnesses on his Behalf, such Sum or Sums of Money as to the Court shall appear to be sufficient to reimburse them respectively the Expenses which they shall have been severally put to in and about such Prosecution, which Order the Clerk of the Peace is hereby directed and required forthwith to make out, and to deliver to such Constable, Superintendent, Inspector, or other Peace Officer and Witnesses respectively; and the said Treasurer is hereby authorized and required, upon Sight of such Order, forthwith to pay to the Person authorized to receive the same such Money as aforesaid, and the said Treasurer shall be allowed the same in his Accounts.

Justice or Justices empowered

XXXIX. It shall be lawful for the said Justice or Justices before whom respectively any Question shall be depending touching any Objection

Objection against the granting or renewing of a Licence under the Provisions of this Act, to summon Witnesses on behalf of either Party to such Question, and to examine all such Witnesses on Oath, and to do and perform all Things necessary for the due and proper Hearing and Determination of such Question, and also to order Payment of Fees, Allowances, and reasonable Expenses to all Witnesses, Constables, and other Persons by whom any Duties shall have been performed or Expenses or Loss of Time incurred respectively under this Act; and the Amount of such Fees, Allowances, and Expenses shall be ascertained according to the Tables of Fees and Allowances for the Time being in force in the District within which the Refreshment House in question shall be situate; and the Order for Payment may be made at the Discretion of the said Justice or Justices, either wholly or partially, on the Applicant or on the Objector; and the Provisions of "The Petty Sessions (*Ireland*) Act, 1851," for the Recovery of Costs ordered by a Justice or Justices in Petty Sessions to be paid, shall apply to all Costs, Allowances, and Expenses ordered to be paid under this Act.

to summon Witnesses, and examine them on Oath.

XL. Any Person summoned as a Witness to give Evidence before any Justice or Justices or Sessions touching any Matters arising under this Act, either on the Part of the Complainant or of the Person accused, or of any Person interested in any such Matter, who shall neglect or refuse to appear at the Time and Place for that Purpose appointed, and who shall not make such reasonable Excuse for such Neglect or Refusal as shall be admitted and allowed by such Justice or Justices or Sessions, or who appearing shall refuse to be examined on Oath or Affirmation and give Evidence, shall, on Conviction, forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

Penalty on Witnesses refusing to attend or to give Evidence.

XLI. Every Person licensed to sell Wine, Spirits, Beer, Cider, or any other fermented or distilled Liquors by Retail, to be drunk or consumed on the Premises, who knowingly harbours or entertains, or suffers to remain in the Place wherein he carries on his Business, any Constable during any Part of the Time appointed for his being on Duty, unless for the Purpose of quelling any Disturbance or restoring Order, shall for every such Offence be liable to a Penalty not exceeding Twenty Shillings.

Penalty for harbouring Constables while on Duty.

XLII. Any Person who shall be drunk, riotous, quarrelsome, or disorderly in any Shop, House, Premises, or Place licensed for the Sale of Beer, Wine, or Spirituous Liquors by Retail to be consumed on the Premises, or for Refreshment, Resort, and Entertainment under the Provisions of this Act, and shall refuse or neglect to quit such Shop, House, Premises, or Place upon being requested so to do by the

Penalty on drunken and disorderly Persons refusing to quit licensed Houses on Request.

the Manager or Occupier, or his Agent or Servant, or by any Constable, shall, on Conviction thereof before any Justice or Justices, be liable to pay a Fine not exceeding Forty Shillings; and all Constables are hereby authorized, empowered, and required, on the Demand of such Manager, Occupier, Agent, or Servant, to assist in expelling such drunken, riotous, quarrelsome, and disorderly Persons from such Shops, Houses, Premises, and Places.

Constables required to assist in expelling them.

Hours for keeping open Premises occupied by Persons licensed to sell Beer, &c. to be consumed on Premises.

XLIII. From and after the passing of this Act it shall be lawful for any Person selling or licensed to sell Beer, Cider, Spirits, or Wine by Retail, to be drunk or consumed on the Premises, in *Ireland*, to keep his House open, and to sell and retail Spirits, Wine, and Beer as aforesaid, at any Time between the Hour of Seven of the Clock in the Morning and the Hour of Eleven o'Clock at Night on every Day except *Sunday*, *Good Friday*, *Christmas Day*, or any Day appointed for a Public Fast or Thanksgiving, and on all such last-mentioned Days at any Time between the Hour of Two of the Clock in the Afternoon and the Hour of Eleven o'Clock at Night, being the Times limited by the Fourteenth Section of an Act passed in the Fourth Year of His late Majesty King *William* the Fourth, intituled *An Act to amend the Laws relating to the Sale of Wine, Spirits, Beer, and Cider by Retail in* Ireland; but any licensed Person selling at any other Times than those so limited shall be liable to the Penalties imposed by the said last-mentioned Act.

Proceedings under this Act for the Recovery of Penalties, &c.

XLIV. All Proceedings under this Act for the Recovery of Penalties ordered by any Justice or Justices to be paid, or for the Recovery of Penalties incurred under this Act (except the Penalties herein denominated "Excise Penalties"), and the Appearance of any Witness, and the Hearing and Determination of any Complaints, or any other Matter relating thereto, shall be subject in all respects to the Petty Sessions (*Ireland*) Act, 1851, as the same is amended by "The Petty Sessions Clerks (*Ireland*) Act, 1858," when the Case shall be heard in any Petty Sessions District, and to the Provisions of the Acts relating to the Divisional Police Offices when the same shall be heard in the Police District of *Dublin* Metropolis, so far as the said Provisions shall be consistent with any special Provisions of this Act; and when any Fine or Penalty is imposed under the Provisions of this Act, such Fines and Penalties shall be paid over to such Purposes and applied in such Manner as is provided by "The Fines Act (*Ireland*), 1851."

How Excise Penalties under this Act are to be recovered, &c.

XLV. The Penalties imposed by this Act denominated Excise Penalties shall be recovered, levied, mitigated, and applied by the same Ways, Means, and Methods, and in like Manner, as Penalties may be recovered, levied, mitigated, and applied under the Laws of Excise in that Behalf.

XLVI. Pro-

Refreshment Houses and Wine Licences (Ireland).

XLVI. Provided always, That any Covenant or Clause of Restriction contained in any Lease or Contract between a Landlord and Tenant, whereby any House, Building, or Place is prohibited from being used as a Public House, shall be construed to apply and extend to every Person who shall be licensed to sell Wine to be consumed on the Premises under the Provisions of this Act, and to any House specified in the Licence granted to such Person.

Covenants against Houses, &c. being used as Public Houses to extend to Persons licensed to sell Wine under this Act.

XLVII. In the Construction of this Act the Word "Treasurer" shall include "Finance Committee."

Interpretation of Terms.

XLVIII. This Act shall extend to *Ireland* only.

To extend to Ireland only.

SCHEDULE.

No. 1.

Form of Licence to the Keeper of a Refreshment House.

We, the undersigned, being the Collector and Supervisor of Excise for the Collection of and District of , do hereby authorize and empower , now being a Householder, and dwelling in a House in , in the Parish of , within the Limits of the said Collection and District, to keep open the said House as a Refreshment House, and to sell any Victual or Refreshment to be consumed therein, and in the Premises thereunto belonging (provided that for the Sale of any exciseable Liquor he shall have in force a proper Licence granted to him in that Behalf), and for this Licence he hath paid the Sum of , the said House and Premises being of [*or* under, *as the Case may be*] the Value of ( ) Pounds a Year, according to the Valuation thereof made for Poor Law Purposes under the Laws now in force; and this Licence is granted upon Condition that the said do not wilfully or knowingly permit any Drunkenness, or any violent or quarrelsome or other disorderly Conduct, in his House or Premises, nor knowingly suffer any unlawful Games or any gaming whatsoever therein, nor knowingly suffer or permit Persons of known bad Character to assemble and meet together therein, but do maintain good Order and Rule therein: And this Licence shall continue in force from the Day of until the First Day of April next ensuing, and no longer; and this Licence shall cease and determine, and shall become void, in case any of the Conditions or Regulations contained

tained therein shall be transgressed or shall not be observed by the said

Given under our Hands, this Day of 186

, Collector.

, Supervisor.

No. 2.

Form of Licence to the Keeper of a Refreshment House to sell therein Wine by Retail to be consumed on the Premises.

We, the undersigned, being the Collector and Supervisor of Excise for the Collection of and District of , do hereby authorize and empower , now being a Householder, and dwelling in a House in , in the Parish of , within the Limits of the said Collection and District, for which he has taken out a Licence as a Refreshment House, to sell therein Foreign Wine by Retail, in order that it may be consumed in the said Refreshment House and in the Premises thereunto belonging, and for this Licence he hath paid the Sum of , the said House and Premises being of [*or* under, *as the Case may be*] the Value of ( ) Pounds a Year, according to the Valuation thereof made for Poor Law Purpurposes under the Laws now in force, and this Licence is granted upon Condition that the said do not mix or cause to be mixed any Spirits, or any Drugs or other pernicious Ingredients, in any Wine sold in his said House and Premises, nor fraudulently dilute, or in anyways adulterate any such Wine, nor sell or offer for Sale any Wine which to his Knowledge has been so mixed, diluted, or adulterated; nor use in selling any Wine any Measures which are not of the legal Standard; nor wilfully or knowingly permit any Drunkenness, or any violent or quarrelsome or other disorderly Conduct in his House or Premises; nor knowingly suffer any unlawful Games or any gaming whatsoever therein, nor knowingly suffer or permit Persons of known bad Character to assemble and meet together therein, but do maintain good Order and Rule therein; nor have or keep his House or Premises open for the Sale of any Victual, Refreshment, or Wine, nor sell any Victual, Refreshment, or Wine, nor suffer the same to be consumed or drunk in or at such House or Premises, at any Time before the Hour of ( ) o'Clock in the Morning nor after any Hour of the Clock at Night prohibited by the Act 23d Victoria, Cap. [*this Act*], nor have or keep his House or Premises open for the Sale or Consumption therein of any Article whatever at any Time during which the Houses for the Sale of Spirits, Wine, Beer, Ale, Cider, or Perry are required by Law to be closed on any Sunday, Christmas Day, or Good Friday, or any Day appointed

appointed for a Public Fast or Thanksgiving, except to a Lodger therein; and this Licence shall continue in force from the Day of until the First Day of April next ensuing, and no longer: Provided and upon Condition that the said shall not in the meantime become a Sheriff's Officer, or Officer for executing the legal Process of any Court of Justice; and this Licence shall cease and determine and shall become void in case any of the Conditions or Regulations contained therein shall be transgressed or shall not be observed by the said .

Given under our Hands, this Day of 186

, Collector.

, Supervisor.

No. 3.

Form of Licence to sell Wine by Retail, not to be consumed on the Premises.

We, the undersigned, being the Collector and Supervisor of Excise for the Collection of and District of do hereby authorize and empower , now keeping a Shop for the Sale of Goods and Commodities at in the Parish of , within the Limits of the said Collection and District, to sell therein Foreign and British Wine by Retail, and in reputed Quart or Pint Bottles only, and not to be consumed in the House or Shop or on the said Premises where sold, and for this Licence he hath paid the Sum of , the House and Premises being of [*or* under, *as the Case may be*] the Value of ( ) Pounds a Year according to the Valuation thereof made for Poor Law Purposes under the Laws now in force; and this Licence is granted upon Condition that the said do not mix or cause to be mixed any Spirits or any Drugs or other pernicious Ingredients in any Wine sold in his Shop or Premises, nor fraudulently dilute or in anyways adulterate any such Wine, nor sell or offer for Sale any Wine which to his Knowledge has been so mixed, diluted, or adulterated; and this Licence shall continue in force from the Day of until the First Day of April next ensuing, and no longer.

Given under our Hands, this Day of 186 .

, Collector.

, Supervisor.

No. 4.

Form of Recognizance.

A.B. Appellant. } Petty Session District of , County
C.D. Respondent. } , of , *or* Dublin Metropolitan Police District of

Whereas the Justice or Justices [*or if in the City of Dublin,*

A.B.,

A.B., Divisional Justice], on the Day of 18 , made an Order refusing to grant to the Appellant, being licensed to keep a Refreshment House, a Licence [*or* a Renewal of a Licence, *as the Case may be*], to entitle him [*or* her] to sell Foreign Wine by Retail to be consumed therein, upon the Grounds that [*state Grounds mentioned in the Order*]: The undersigned, principal Party to this Recognizance, hereby binds himself [*or* herself] to perform the following Obligation; that is to say, to prosecute his [*or* her] Appeal at the Quarter Sessions to be held at , and to pay such Costs as the [Chairman *or* Recorder] shall order or direct; and the said principal Party, together with the undersigned Sureties, hereby severally acknowledge themselves bound to forfeit to the Crown the Sums following; that is to say, the said principal Party the Sum of ( ), and the undersigned Sureties the Sum of ( ) each, in case the principal Party fails to perform his [*or* her] Obligation.

(Signed) *A.B.* (Principal Party.)
E.F. } (Sureties.)
G.H. }

Taken before me this Day of , 18 , at .

(Signed) *Y.Z.* (Justice *or* Divisional Justice.)

No. 5.

Form of Certificate.

Quarter Sessions District of , County of

A.B., Appellant. } I certify, That on the Hearing of the Appeal
C.D., Respondent. } in this Case from an Order made by the Justices of the Petty Sessions District of [*or A.B.*, Divisional Justice,] on the Day of last, refusing to grant to the Appellant, being licensed to keep a Refreshment House, a Licence [*or* a Renewal of a Licence] to entitle him to sell Foreign Wine by Retail to be consumed therein, it was ordered by the Court that the said Order of Refusal be reversed, and the said Appellant was declared entitled to obtain such Wine Licence [*or* such Renewal of such Wine Licence].

Dated this Day of

Clerk of the Peace.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1860.

ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

***

transferred to the Secretary of State.

mittee is therein mentioned or referred to, such Secretary of State had been mentioned or referred to; and any Certificate which by the said Act was to be granted under the Hand of the President of Her Majesty's Privy Council or of the Vice-President of the said Committee thereof may be granted under the Hand of the Secretary of State.

The Application which, by the 15th and 16th Sections of said Act, is directed to be made by the School Manager, may be made by any Person authorized by Secretary of State.

II. And whereas by the Fifteenth and Sixteenth Sections of the said Act it is provided that any Justices of the County in which the certified Industrial School to which any Child has been sent is situate, or in which the Parent is residing, may, upon the Complaint of the Managers of such School, summon the Parent, and may order him to pay to such Managers a weekly Sum according to his Ability: Be it enacted, That it shall be lawful for any such Justices to take any of the Steps prescribed by the said Fifteenth and Sixteenth Sections, upon the Complaint of any Person authorized by the Secretary of State, although no Complaint may have been made on the Part of the Managers of the School.

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VICTORIÆ REGINÆ.

***

the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

The Sum of 2,000,000*l.* to be issued out of the Consolidated Fund towards the Expenses after mentioned.

I. Towards defraying the Expenses herein-after mentioned any Sum or Sums, not exceeding in the whole the Sum of Two Millions, shall be issued and applied out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, or the growing Produce thereof, and it shall be lawful for the Commissioners of Her Majesty's Treasury from Time to Time to issue and apply the same accordingly.

Appropriation of the Money so issued to the Expenses of constructing Fortifications, and providing a Central Arsenal.

II. Such Sum or Sums as may be issued out of the Consolidated Fund, or the growing Produce thereof, as aforesaid shall be applied as mentioned in the Schedule to this Act towards defraying the Expenses incurred, or to be incurred in constructing the aforesaid Fortifications and Works for the Defence of the Royal Arsenals and Dockyards of the United Kingdom, (including the Naval Establishment at *Haulbowline*,) and the Fortifications at *Dover* and *Portland*, and in providing a Central Arsenal, and in purchasing the Land and Rights in Land that may be required for the Purposes of such Fortifications, Works, and Arsenal; and the Commissioners of Her Majesty's Treasury shall from Time to Time apply such Sum or Sums accordingly.

Treasury to raise 2,000,000*l.* by creating Annuities for a Term not exceeding Thirty Years.

III. To provide for the Issues to be made out of the Consolidated Fund, or the growing Produce thereof, and to repay to the Consolidated Fund the Amount which may have been previously so issued under this Act, or for either of those Purposes, it shall be lawful for the Commissioners of Her Majesty's Treasury at any Time or from Time to Time, after the passing of this Act, to raise any Sum or Sums, not exceeding in the whole the Sum of Two Millions, as herein-after mentioned; and for raising all or any Portions which may be so raised from Time to Time of the said Sum of Two Millions, it shall be lawful for the Commissioners of the Treasury to cause to be created, and vested in the Contributors to the said Sum or to the respective Portions thereof, Annuities for such Term not exceeding the Term of Thirty Years, as the Commissioners of the Treasury may think fit to fix in the Contract with such Contributors, and to be payable half-yearly by equal Payments on the Fifth Day of *April* and the Tenth Day of *October*.

Treasury to fix the Term and Amount of Annuity to be granted to Contributors for every

IV. It shall be lawful for the Commissioners of Her Majesty's Treasury from Time to Time to contract, in such Manner and under such Regulations as they may deem advisable, with any Person or Persons, Body or Bodies Politic or Corporate, who may be willing to advance the whole or any Part of the said Sum of Two Millions, or of

of the Portion thereof which the said Commissioners may at any Time think it requisite to raise, and to appoint and fix the Amount and Times of Payment of Deposits and Instalments of or in respect of the Sums contracted to be advanced, and to declare and fix the Term and the Amount of Annuity to be created under this Act, to which the several Persons and Corporations advancing such Sums (who are herein referred to as the Contributors), their respective Executors or Administrators, Successors, or Assigns, shall be entitled in respect of each One hundred Pounds contributed and paid, and to appoint on which of the half-yearly Days herein-before mentioned the First Half Year's Payment of Annuity shall become due, and the Time or Times at which the said Annuities or proportional Amounts thereof shall be placed in the Books of the Bank of *England* to the Credit of the respective Contributors, their Executors, Administrators, Successors, and Assigns, and to fix the Time during which Receipts for such Deposits or Instalments as aforesaid shall be assignable; and the several Contributors, their Executors, Administrators, Successors, or Assigns, shall be entitled for every One hundred Pounds by them respectively advanced and paid to an Annuity for such Term and of such Amount as shall be so fixed by the Commissioners of the Treasury, to be payable during the Term so fixed by half-yearly Payments as aforesaid, the First half-yearly Payment to be due as the said Commissioners may have appointed as aforesaid.

100*l.*, and Terms of Payment of Subscriptions.

V. It shall and may be lawful for any Guardian or Trustee having the Disposition of the Money of any Infant to contribute and pay for or towards advancing any Part of any Sum to be raised by Annuities in manner aforesaid; and such Infant, upon the Payment of such Sum or Sums subscribed by such Guardian or Trustee, shall become a Contributor within the Meaning of this Act, and be entitled to have and receive the Annuities, Advantages, and Payments in respect thereof, in such and the like Manner as any other Contributor; and such Guardian or Trustee, as to the said Sum or Sums so advanced, is hereby discharged, so as the Name of such Infant be expressed in the Receipt or Receipts for such Money.

Power to Guardians, &c. to subscribe for Infants.

VI. All Deposits, Instalments, and Sums to be paid by the Contributors, their Executors or Administrators, Successors or Assigns, in respect of any Portion of the said Sum of Two Millions, shall be paid to the Cashier or Cashiers of the Governor and Company of the Bank of *England;* and as soon as any Contributors, their Executors, Administrators, Successors, or Assigns, shall, after Payment of the required Deposit, have made due Payment of any subsequent Instalment payable by them respectively on the Days appointed by the said

Time at which Annuities may be transferred.

said Commissioners of the Treasury, towards a Sum raised under this Act, such Contributors may have a proportional Amount of the Annuities to which they may be entitled in respect of such Instalment forthwith placed in the Books of the Bank of *England* to the Credit of such respective Contributors, their Executors, Administrators, Successors, or Assigns, and on Payment of the last Instalment such Contributors, their Executors, Administrators, Successors, or Assigns, shall have a proportional Amount of like Annuities placed to their respective Credits corresponding, at the Rate aforesaid, to the aggregate Amount of the Deposit and of such last Instalment; and the Persons to whose Credit such Annuities, or such proportional Parts thereof, shall be so placed, their respective Executors, Administrators, Successors, and Assigns, shall have Power to assign and transfer the same, or any Part, Share, or Proportion thereof, to any other Person or Persons, Body or Bodies Politic or Corporate, whatsoever, in the Books of the Bank of *England* (in such Manner as is herein-after directed); and the said Governor and Company of the Bank of *England* are hereby required, as soon as conveniently may be after Notice from the Commissioners of the Treasury for the Purpose, to prepare proper Books for the Purpose of entering the Names of all such Contributors, and of placing to their Credit the Annuities to which they will be entitled under this Act.

Contributors may anticipate Payments.

VII. All such Contributors, their Executors, Administrators, Successors, or Assigns, who shall pay into the Hands of the said Cashier or Cashiers the whole of their respective Contribution Money, or any Part thereof in anticipation of the Instalments appointed by the Commissioners of the Treasury, or any of them, shall be entitled to have forthwith inscribed into their respective Names the whole or such proportional Amount of the said Annuities; but Discount shall not be allowed on any such Payment in anticipation of any of the said Instalments.

Annuities payable and transferable at the Bank.

VIII. All the Annuities created under this Act shall be payable and paid and be transferable at the Bank of *England*.

Money to be issued out of the Consolidated Fund for Payment of Annuities and Charges, and shall be charged upon the said Fund.

IX. So much Money shall from Time to Time be set apart and issued at the Receipt of the Exchequer, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, to the said Cashier or Cashiers of the Governor and Company of the Bank of England, as shall be sufficient to satisfy and pay the said Annuities to be created under the Act, together with the Charges attending the same, and all the said Annuities shall be charged and chargeable upon and are hereby charged upon and made payable out of the said Consolidated Fund.

X. For

Fortifications (Provision for Expenses).

X. For the more easy and sure Payment of the Annuities established by this Act, the said Governor and Company of the Bank of *England* and their Successors shall from Time to Time, until all the said Annuities shall have expired, appoint and employ One or more sufficient Person or Persons within their Office in the City of *London* to be their Chief or First Cashier or Cashiers, and One or other sufficient Person within the same Office to be their Accountant General; and so much of the Money by this Act to be set apart for the Purpose as shall be sufficient from Time to Time to answer the said Annuities and the Charges attending the same shall, by Order of the Commissioners of Her Majesty's Treasury, without any further Warrant to be sued for, had, or obtained in that Behalf, from Time to Time, at the respective Days of Payment in this Act appointed for Payment thereof, be issued and paid at the Receipt of the Exchequer to the said Chief or First Cashier or Cashiers of the said Governor and Company of the Bank of *England*, and their Successors for the Time being, by way of Imprest and upon Account for the Payment of the Dividends payable by virtue of this Act; and such Cashier or Cashiers to whom the said Money shall from Time to Time be issued shall from Time to Time, without Delay, pay the same accordingly, and render his or their Accounts thereof to the Commissioners for auditing the Public Accounts; and the said Accountant General for the Time being shall from Time to Time inspect and examine all Receipts and Payments of the said Cashier or Cashiers, and the Vouchers relating thereto, in order to prevent any Fraud, Negligence, or Delay.

Bank of England to appoint a Cashier and an Accountant General, and the Treasury to order Money to be issued to the Cashier for Payment of Annuities.

XI. The Cashier or Cashiers of the Governor and Company of the Bank of *England* who shall receive any Deposits or Instalments from Contributors in respect of any Portion of the said Sum of Two Millions shall give a Receipt or Receipts in Writing to every such Contributor for all such Sums, and also Warrants for the proportional Amounts of Annuity to be created in respect of the Instalments intermediate between the Deposit and the last Instalment on the Payment of those Instalments respectively; and the Receipts and Warrants so to be given shall be assignable and transferable by Delivery thereof during such Time as shall have been fixed by the Commissioners of Her Majesty's Treasury, and no longer; and such Cashier or Cashiers shall give Security to the Satisfaction of the Commissioners of Her Majesty's Treasury for duly answering and paying into the Receipt of the Exchequer as after mentioned all the Monies which he or they shall hereafter receive from Time to Time of and for any Portion of the said Sum of Two Millions, and for accounting duly for the same, and for Performance of the Trust hereby in him or them reposed, and shall from Time to Time pay all such

Cashier to give Receipts for Subscriptions, and pay the Money he receives into the Exchequer.

such Monies as soon as he or they shall receive the same or any Part thereof, or within Five Days afterwards at the farthest, into and shall account for the same in the Exchequer, according to the due Course thereof.

The Money paid into the Exchequer to form Part of the Consolidated Fund.

XII. All such Sums of Money as shall be from Time to Time paid into the Receipt of Her Majesty's Exchequer in respect of the said Sum of Two Millions, or any Portion thereof, raised by Annuities as aforesaid, shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

A Book to be kept in the Accountant General's Office for entering Contributors Names, and a Duplicate to be transmitted to the Exchequer.

XIII. In the Office of the Accountant General of the Governor and Company of the Bank of *England* for the Time being, a Book or Books shall be provided and kept, in which the Names of the Contributors to any Portion of the said Sum of Two Millions which may be raised under this Act shall be fairly entered; which Book or Books the said respective Contributors, their respective Executors, Administrators, Successors, and Assigns, shall and may from Time to Time and at all seasonable Times resort to and inspect without any Fee or Charge; and the said Accountant General shall, at such Time or Times as may be directed by the Commissioners of the Treasury, transmit an attested Duplicate, fairly written on Paper, of the said Book or Books, into the Office of the Receipt of the Exchequer, there to remain for ever.

Subscriptions paid in part, and not completed, forfeited.

XIV. In case any such Contributors to any Portion of the Sum of Two Millions which may be raised under this Act, after having paid to the said Cashier or Cashiers any Sum or Sums of Money as a Deposit, at the Time and in the Manner appointed by the Commissioners of the Treasury, in part of the Sum or Sums so by them respectively subscribed, or their respective Executors, Administrators, Successors, or Assigns, shall not advance and pay to the said Cashier or Cashiers the Residue of the Sum or Sums so subscribed at the Times and in the Manner which shall have been appointed by the Commissioners of the Treasury, then and in every such Case such Deposit shall be forfeited for the Benefit of the Public, and all Right and Title to the said Deposit, and to the Annuity in respect thereof, shall be extinguished.

Annuities to be deemed Personal Estate.

XV. All Persons and Corporations who shall be entitled to any of the Annuities which may be created under this Act, and all Persons and Corporations lawfully claiming under them, shall be possessed thereof as of a Personal Estate, which shall not be descendible to Heirs, nor liable to any Foreign Attachment by the Custom of *London* or otherwise.

Accountant General to keep Books

XVI. Books shall be constantly kept by the said Accountant General for the Time being, wherein all Assignments or Transfers of all

all Annuities created under this Act shall be entered and registered, which Entry shall be conceived in proper Words for that Purpose, and shall be signed by the Parties making such Assignments or Transfers, or if such Parties be absent by their respective Attorney or Attorneys thereunto lawfully authorized in Writing under his or their Hand and Seal or Hands and Seals, to be attested by Two or more Witnesses; and the several Persons to whom such Transfers shall be made may respectively underwrite their Acceptance thereof; and no other Method of assigning and transferring the said Annuities, or any Part thereof, or any Interest therein, shall be good or available in Law; and no Stamp Duties whatsoever shall be charged on any of the said Transfers, any Law or Statute to the contrary notwithstanding.

for entering Transfers.

Transfers not liable to Stamp Duties.

XVII. Provided, That it shall be lawful for the Commissioners of Her Majesty's Treasury, if they think it expedient so to do, for raising all or any Portion of the said Sum of Two Millions, to contract and provide that all or any of the terminable Annuities to be created under the Provisions of this Act in respect of such Sum or Portion as aforesaid shall be consolidated with and deemed Part of the Joint Stock of the terminable Annuities created by the Act of the Session holden in the Eighteenth and Nineteenth Years of Her Majesty, Chapter Eighteen, or of the Joint Stock of any terminable Annuities transferable at the Bank of *England* and charged on the Consolidated Fund by the Authority of Parliament, for the same Term for the Time being unexpired, and payable on the same half-yearly Days as the Annuities which they may contract to create, and in every such Case the Annuities to be created under this Act shall be added to and form Part of the Joint Stock of the previously existing Annuities accordingly.

Power to the Treasury to add the Annuities created under this Act to the Stock of existing terminable Annuities of like Duration.

XVIII. It shall be lawful for the Commissioners of Her Majesty's Treasury to direct the Payment out of the Consolidated Fund to the Governor and Company of the Bank of *England* of the Sum of Five hundred Pounds for every Million of the said Contributions as an Allowance for the Service, Pains, and Labour of the said Cashier or Cashiers employed in receiving, paying, and accounting for the same, and also for the Service, Pains, and Labour of the said Accountant General for performing the Trust reposed in him by this Act, which Allowance in respect of the Service, Pains, and Labour of the said Cashier or Cashiers and Accountant General of the said Governor and Company shall be for the Use of the said Governor and Company, and at their Disposal only.

Allowance to Bank of England for the Expense of Management.

XIX. The Fortifications, Works, and Central Arsenal, the Expenses of constructing and providing which are to be defrayed under this Act, shall be constructed and provided respectively under

Fortifications, &c. to be executed under the Direction of

the Secretary for War.

under the Direction of Her Majesty's Principal Secretary of State for the War Department, and the Land to be purchased and acquired for the Purposes of such Fortifications, Works, and Central Arsenal shall be vested in the said Secretary of State on behalf of Her Majesty.

Accounts to be laid before Parliament.

XX. The Commissioners of Her Majesty's Treasury shall in the Month of *July* in the Year One thousand eight hundred and sixty-one, and in every subsequent Year in which any Part of the said Sum of Two Millions shall be issued from the Consolidated Fund or raised by Annuities under this Act, cause to be prepared an Account of the Monies raised under this Act up to the First Day of that Month, and of the Amount of Annuities created in respect of the Money so raised, and of the Monies which shall have been issued out of the Consolidated Fund in respect of the Sum of Two Millions charged on that Fund under this Act up to the said First Day of *July*, specially showing the Works or Purposes for or in respect of which the Monies may have been applied; and showing the Amount, if any, which may remain to be raised of the said Sum of Two Millions authorized to be raised under this Act, and the Amount, if any, remaining to be issued or applied of the said Sum of Two Millions charged on the said Consolidated Fund; every such Account shall be laid before both Houses of Parliament forthwith after the Preparation thereof, or if Parliament be not sitting then within Fourteen Days after the next Meeting of Parliament.

Persons counterfeiting Receipts for Contributions, &c. guilty of Felony.

XXI. If any Person shall forge or counterfeit, or cause or procure to be forged or counterfeited, or shall willingly act or assist in the forging or counterfeiting, any Receipt or Receipts for the whole or any Part or Parts of the said Contributions towards any Sum raised under this Act, either with or without the Name or Names of any Person or Persons being inserted therein as the Contributor or Contributors thereto, or Payer or Payers thereof or of any Part or Parts thereof, or shall alter any Number, Figure, or Word therein, or utter or publish as true any such false, forged, counterfeited, or altered Receipt or Receipts, with Intent to defraud the Governor and Company of the Bank of *England*, or any Body Politic or Corporate, or any Person or Persons whatsoever, every such Person so forging or counterfeiting or altering, or causing or procuring to be forged or counterfeited or altered, or willingly acting or assisting in the forging or counterfeiting, or altering, uttering, or publishing as aforesaid, shall be guilty of Felony, and being convicted thereof shall, at the Discretion of the Court, be liable to be kept in Penal Servitude for any Term not less than Three Years, or to be imprisoned, with or without Hard Labour, or with or without solitary Confinement, for any Term not exceeding Two Years.

XXII. The

XXII. The said Governor and Company of the Bank of *England*, and their Successors, notwithstanding the Redemption of all or any of their own Funds, in pursuance of the Acts for establishing the same or any of them, shall continue a Corporation for the Purposes of this Act until the Annuities created under this Act shall cease.

Bank to continue a Corporation till the Annuities hereby granted cease.

SCHEDULE.

SCHEDULE of SUMS proposed to be expended on Fortifications and Works at the under-mentioned Places between the 1st August 1860 and 1st August 1861, under this Act.

District.	Amount.
	£
Portsmouth - - - -	580,000
Plymouth - - - -	450,000
Pembroke - - - -	60,000
Thames - - -	60,000
Medway - - - -	100,000
Chatham - - - -	170,000
Dover - - - -	50,000
Cork - - - -	30,000
Central Arsenal - - -	150,000
Total -	£1,650,000
For Works in Progress already sanctioned by Parliament - -	350,000
Grand Total - - -	£2,000,000

The several Sums include the Expense of Purchase of Land and other incidental Expenses.

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ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

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CAP. CX.

An Act to consolidate the Duties of Customs.

[28th *August* 1860.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. In lieu of the Duties and Drawbacks of Customs, Rates, and Charges now payable on the Importation or Exportation of Goods into or from *Great Britain* and *Ireland*, there shall be charged and allowed on the Importation into and Exportation from *Great Britain* and *Ireland* of the following Articles the several Duties and Drawbacks of Customs, Rates, and Charges herein-after mentioned.

In lieu of the Duties, &c. now payable, the Duties, Rates, &c. to be charged as herein mentioned.

DUTIES of CUSTOMS, &c.

		£	s	d.
1 Beer and Ale; viz,				
——— Mum - - - -	the Barrel	1	0	0
——— Spruce - - - -	the Barrel	1	0	0
——— of other Sorts - - -	the Barrel	1	0	0
2 Cards; viz,				
—— Playing Cards - - -	the Dozen Packs	0	15	0

Customs (No. 2.)

		£	s.	d.
3. Chicory, or any other Vegetable Matter applicable to the Uses of Chicory or Coffee; viz.,				
—— raw or kiln-dried	the Cwt.	0	6	0
—— roasted or ground	the lb.	0	0	4
4. Chloroform	the lb.	0	3	0
5. Cocoa	the lb.	0	0	1
—— Husks and Shells	the Cwt.	0	2	0
—— Paste or Chocolate	the lb.	0	0	2
6. Coffee	the lb.	0	0	3
—— kiln-dried, roasted, or ground	the lb.	0	0	4
A Drawback shall be allowed on all roasted Coffee exported as Ship's Stores, or removed to the Isle of Man for Consumption there, equal in Amount to the Import Duty on raw Coffee.				
7. Corks, ready made, until 31st March 1862 inclusive	the lb.	0	0	3
8. Corn, Grain, Meal, and Flour, and Articles of the like character; viz.:—				
—— Wheat	each the Quarter	0	1	0
—— Barley				
—— Oats				
—— Rye				
—— Pease				
—— Beans (not Kidney or French)				
—— Maize or Indian Corn				
—— Buck Wheat				
—— Bear or Bigg				
—— Wheat Meal and Flour	each the Cwt.	0	0	4½
—— Barley Meal				
—— Oat Meal and Groats				
—— Rye Meal and Flour				
—— Pea Meal				
—— Bean Meal				
—— Maize or Indian Corn Meal				
—— Buck Wheat Meal				
—— Meal, not otherwise enumerated or described				
—— Arrow Root				
—— Barley, pearled				
—— Biscuit and Bread				
—— Cassava Powder				
—— Macaroni				
—— Mandioca Flour				
—— Manna Croup				
—— Potatoe Flour				
—— Powder, viz., Hair				
—— —— Perfumed				
—— —— Not otherwise enumerated or described that will serve the same Purpose as Starch				
—— Rice Dust and Meal				

Customs (No. 2.)

		£	s.	d.
	Corn, Grain, Meal, and Flour, and Articles of the like Character, continued; viz:—			
	—— Sago - - - -			
	—— Semolina - - -			
	—— Starch - - -			
	—— —— Gum of, torrified or calcined - } each the Cwt.	0	0	4½
	Tapioca -			
	—— Vermicelli			
9.	Dice - - - - - the Pair	1	1	0
10.	Essence of Spruce - - - for every £100 Value	10	0	0
11.	Fruit, not Raw nor preserved in Sugar; viz.,			
	—— Currants - - - -			
	—— Figs - - - - -			
	—— Fig Cake - - - -			
	—— Plums, commonly called French Plums, and Prunelloes - - - } each the Cwt.	0	7	0
	—— —— Dried or preserved (except in Sugar), not otherwise described -			
	—— Prunes - - - - -			
	—— Raisins - - - -			
12.	Hats or Bonnets, until 31st March 1861 inclusive; viz.,			
	—— of Chip - - - - the lb.	0	1	3
	—— of Bast, Cane, or Horsehair - the lb.	0	1	3
	—— of Straw - - - - the lb.	0	1	3
13	Hops, until 31st December 1860 inclusive - - the Cwt.	2	5	0
	—— from 1st January 1861 to 31st December 1861 inclusive - - - the Cwt.	1	0	0
	—— from and after that Date - - the Cwt.	0	15	0
14	Malt - - - - - the Quarter	1	5	0
15	Paper, on and after the 16th August 1860; viz,			
	—— Brown Paper, made of old Rope or Cordage only without separating or extracting the Pitch or Tar therefrom, and without any Mixture of other Materials therewith - the Cwt.	0	16	0
	—— Printed, painted, or stained Paper Hangings, or Flock Paper - - - - the Cwt.	0	14	0
	—— Gilt, stained, coloured, embossed, and all Fancy Kinds, not being Paper Hangings - - the Cwt.	0	16	0
	—— Waste Paper, or Paper of any Sort, not particularly enumerated or described, not otherwise charged with Duty - - the Cwt.	0	16	0
	—— Millboards - - - - the Cwt.	0	16	0
	—— Pasteboard - - - - the Cwt.	0	15	0
	—— Books; viz,			
	—— —— being of Editions printed in or since the Year 1801, bound or unbound - - the Cwt.	0	16	0
	—— —— admitted under Treaties of International Copyright, or if of and from any British Possession - - - - the Cwt.	0	15	0
	—— Prints, and Drawings; viz.,			
	—— —— Plain or coloured - - - the Cwt.	0	16	0

	£	s.	d.
Paper, continued, viz.:—			
—— Prints, &c. admitted under Treaties of International Copyright - - - - - the Cwt.	0	15	0
—— ——— or and at the Option of the Importer,			
—— ——— Single - - - - each	0	0	0½
—— ——— Bound - - - the Dozen	0	0	1½
16. Pepper of all Sorts - - - - - the lb.	0	0	6
and 5*l.* per Cent. thereon.			
17. Plate; viz.,			
——— of Gold - - - - the Ounce Troy	0	17	0
——— of Silver, gilt or ungilt - - - the Ounce Troy	0	1	6
18. Ships, with their Tackle, Apparel, and Furniture; viz.,			
Foreign, built of Wood, and Ships built of Wood in any of Her Majesty's Possessions abroad, on the Registration thereof as British Ships at any Port or Place for the Registry of British Ships in Great Britain and Ireland, for every Ton of the gross registered Tonnage without any Deduction in respect of Engine Room or otherwise	0	1	0
19. Spirits or Strong Waters, not being sweetened or mixed with any Article so that the Degree of Strength thereof cannot be ascertained by Sykes's Hydrometer, for every Gallon of the Strength of Proof by such Hydrometer, and so in proportion for any greater or less Strength than the Strength of Proof, and for any greater or less Quantity than a Gallon, on and after the 17th July 1860; viz.,			
—— Brandy - - - - the Gallon	0	10	5
—— Geneva - - - - - the Gallon	0	10	5
—— Rum of and from any Foreign Country, being the Country of its Production - - the Gallon	0	10	2
—— Rum from any Country not being the Country of its Production - - - the Gallon	0	10	5
—— Tafia of and from any Colony of France the Gallon	0	10	2
—— Rum and Spirits of and from a British Possession in America or the Island of Mauritius, and Rum of and from any British Possession within the Limits of the East India Company's Charter, in regard to which the Conditions of the Act 4 Vict. c. 8. have or shall have been fulfilled - the Gallon	0	10	2
—— Unenumerated - - - the Gallon	0	10	5
Other Spirits, being sweetened or mixed so that the Degree of Strength cannot be ascertained as aforesaid, on and after the 17th July 1860; viz.,			
——— Rum Shrub, Liqueurs and Cordials, of and from a British Possession in America or the Island of Mauritius, or a British Possession within the Limits of the East India Company's Charter, in regard to which the Conditions of the Act 4 Vict. c. 8. have or shall have been fulfilled - the Gallon	0	10	2
——— Perfumed Spirits, to be used as Perfumery only, the Gallon	0	14	0

		£	s.	d.
Other Spirits, being sweetened or mixed so that the Degree of Strength cannot be ascertained as aforesaid, continued, viz.:—				
—— Water, Cologne, the Flask (Thirty of such Flasks containing not more than One Gallon) -	each	0	0	6
Water, Cologne, when not in Flasks to be charged as "perfumed Spirits," viz. - -	the Gallon	0	14	
—— Unenumerated - - - -	the Gallon	0	14	
Spirits or Strong Waters, imported into the United Kingdom, mixed with any Ingredient, and although thereby coming under some other Designation, except Varnish, shall nevertheless be deemed to be Spirits or Strong Waters, and be subject to Duty as such.				
20. Sugar, and Articles composed thereof or sweetened therewith, until the 30th June 1861 inclusive; viz.,				
—— Candy, Brown or White, Refined Sugar, or Sugar rendered by any Process equal in Quality thereto -	the Cwt.	0	18	4
—— White Clayed Sugar, or Sugar rendered by any Process equal in Quality to White Clayed, not being Refined or equal in Quality to refined - -	the Cwt.	0	16	0
—— Yellow Muscovado and Brown Clayed Sugar, or Sugar rendered by any Process equal in Quality to Yellow Muscovado or Brown Clayed, and not equal to White Clayed - - - -	the Cwt.	0	13	10
—— Brown Muscovado or any other Sugar, not being equal in Quality to Yellow Muscovado or Brown Clayed Sugar - - - -	the Cwt.	0	12	8
—— Cane Juice - - - -	the Cwt.	0	10	4
—— Molasses - - - - -	the Cwt.	0	5	0
—— Almonds, Paste of - - - -	each the lb.	0		2
—— Cherries, dried - - - -				
—— Comfits, dry - - - -				
—— Confectionery - - - -				
—— Ginger, preserved - - - -				
—— Marmalade - - - -				
—— Plums, preserved - - - -				
—— Succades, including all Fruits and Vegetables preserved in Sugar, not otherwise enumerated - - - -				

The following Drawbacks on the several Descriptions of Refined Sugar herein-after mentioned, shall, until the Thirtieth Day of *June* One thousand eight hundred and sixty-one inclusive, be allowed on Exportation thereof to Foreign Parts, or on Removal to the *Isle of Man* for Consumption there, or on deposit thereof in any approved Warehouse, upon such Terms and subject to such Regulations as the Commissioners of Customs may direct, for Delivery therefrom as

Ships Stores only, or for the Purpose of sweetening *British* Spirits in Bond; that is to say,

	£	s.	d.
—— Upon Refined Sugar, in Loaf, complete or whole, or Lumps duly refined, having been perfectly clarified and thoroughly dried in the Stove, and being of an uniform Whiteness throughout, or Sugar Candy, or Sugar refined by the Centrifugal Machine, or by any other Process, and not in any way inferior to the Export Standard No. 3. approved by the Lords of the Treasury - - - for every Cwt.	0	17	2
—— Upon such Refined Sugar already described, if pounded, crushed, or broken in a Warehouse approved by the Commissioners of Customs, such Sugar having been there first inspected by the Officers of Customs in Lumps or Loaves, as if for immediate Shipment, and then packed for Exportation in the Presence of such Officers, and at the Expense of the Exporters, for every Cwt.	0	17	2
—— Upon Refined Sugar unstoved, pounded, crushed or broken, and not in any way inferior to the Export Standard Sample No. 1, approved by the Lords of the Treasury, and which shall not contain more than 5 per Centum Moisture over and above what the same would contain if thoroughly dried in the Stove, for every Cwt.	0	16	4
—— Upon Bastard or Refined Sugar unstoved, broken in Pieces, or being ground, powdered, or crushed, not in any way inferior to the Export Standard Sample No. 2. approved by the Lords of the Treasury, for every Cwt.	0	15	1
—— Upon Bastard or Refined Sugar being inferior in Quality to the said Export Standard Sample No. 2. for every Cwt.	0	12	8
21. Tea, until the 30th June 1861 inclusive - . - the lb.	0	1	5
22. Tobacco, the following Duties, with £5 per Cent. thereon; viz.,			
—— Unmanufactured, stemmed, or stripped - the lb.	0	3	0
—— —— Unstemmed - - - the lb.	0	3	0
—— Manufactured, or Segars - - - - the lb.	0	9	0
—— Snuff - - - - - - the lb.	0	6	0
—— Stalks, and Flour of, and Snuff Work - -	prohibited.		
—— Manufactured in Great Britain or Ireland, made into Cut, Shag, Roll, or Carrot Tobacco, or Cigars, such Cigars, when exported as Merchandise, being packed in Cases containing not less than Eighty Pounds Net Weight, a Drawback shall be allowed on Exportation or Shipment as Stores - - - the lb.	0	2	7½
with £5 per Cent. thereon.			

		£	s.	d.
23. Varnish, containing any Quantity of Alcohol or Spirit - - - - -	the Gallon	0	12	0
24. Vinegar - - - - -	the Gallon	0	0	3
—— Pickles, preserved in - -	the Gallon	0	0	1
Water, Cologne. *See* Spirits.				
25. Wine, until the 31st December 1860 inclusive; viz.,				
—— Red - - - -	the Gallon	0	3	0
—— White - - - -	the Gallon	0	3	0
—— Lees of such Wine - - -	the Gallon	0	3	0
—— The Growth and Produce of any British Possession, and imported direct from thence, the following Duties and £5 per Cent. thereon, viz.				
—— Red - - - - -	the Gallon	0	2	9
—— White - - - - -	the Gallon	0	2	9
—— Lees of such Wine - - - -	the Gallon	0	2	9

The full Duties on Wine may be drawn back upon Exportation or Shipment as Stores on or before the 31st December 1860 inclusive, but not on Lees of Wine.

On and after the 1st Day of January 1861—

And without any Allowance for Drawback.

Containing less than the following Rates of Proof Spirits, verified by Sykes's Hydrometer, viz.:—	18 Degrees.	26 Degrees.	40 Degrees.	45 Degrees.	If imported in Bottles and containing less than 40 Degrees.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
—— Red - - the Gallon	0 1 0	0 1 9	0 2 5	0 2 11	0 2 5
—— White - the Gallon	0 1 0	0 1 9	0 2 5	0 2 11	0 2 5
—— Lees of such Wine - the Gallon	0 1 0	0 1 9	0 2 5	0 2 11	0 2 5

All Wine containing 45 per Cent. and upwards of Proof Spirit, as verified by Sykes's Hydrometer, imported into Great Britain and Ireland shall be deemed to be mixed Spirits and charged with Duty as such. And no more than 10 per Cent. of such Proof Spirit, shall be used in the fortifying of any Wine in Bond; nor shall any Wine be fortified in Bond to a greater Degree of Strength than 40 per Cent. of such Proof Spirit.

26. Wood and Timber, Foreign and Colonial; viz.,				
—— Hewn - - - -	the Load	0	1	0
—— Sawn or split, planed or dressed - -	the Load	0	2	0
—— Firewood - - - -	the Load	0	1	0
—— Hoops - - - - -	the Load	0	2	0

Customs (*No.* 2.)

Wood and Timber, Foreign and Colonial, continued, viz.:		£	s.	d.
—— Lathwood - - - -	the Load	0	1	0
—— Shovel Hilts - - - -	the Load	0	2	0
—— Staves, exceeding 72 Inches in Length, 7 Inches in Breadth, or 3¼ Inches in Thickness - - - -	the Load	0	2	0
—— Staves not exceeding 72 Inches in Length, nor 7 Inches in Breadth, nor 3¼ Inches in Thickness (except Staves for Herring Barrels) - - - -	the Load	0	1	0
—— Teak and Wood for Shipbuilding Purposes, formerly admitted free, and Treenails of all Sorts - - - - -	the Load	0	1	0
—— Furniture or Hard Woods; viz.,				
—— —— Amboyna Wood - - -				
—— —— Beefwood - - - -				
—— —— Blackwood - - -				
—— —— Boxwood - - - -				
—— —— Cedar - - - -				
—— —— Cherry Wood - - -				
—— —— Cochinella - - -				
—— —— Ebony - - - -				
—— —— Kingwood - - -				
—— —— Lignum Vitæ - -				
—— —— Mahogany - -				
—— —— Maple - - - -				
—— —— New Zealand - - -				
—— —— Olive Wood - - -				
—— —— Partridge Wood - - -	each the Ton	0	1	0
—— —— Purple Wood - - - -				
—— —— Rosewood - - - -				
—— —— Santa Maria Wood - - -				
—— —— Satin Wood - - -				
—— —— Saunders or Sandal White or Yellow				
—— —— Speckled Wood - - -				
—— —— Sweetwood - - - -				
—— —— Tulip Wood - - -				
—— —— Walnut Wood (except Gun Stocks) -				
—— —— Zebra Wood - - -				
—— Furniture and Hard Woods unenumerated (except Veneers,) not being Ash, Beech, Birch, Elm, Oak, and Wainscot - - - -				

A Drawback on the Exportation of Wood and Timber, proportionate to the Duties of Customs paid thereon, shall be allowed: Provided, that the Person entitled thereto and claiming the same shall make and subscribe a Declaration that the Goods in respect of which he claims such Drawbacks are of Foreign or Colonial Produce,

as

as the Case may be, and show to the Satisfaction of the Commissioners of Customs that Customs Duties to the like Amount have been paid thereon upon the Importation thereof.

Goods not prohibited to be imported into or used in *Great Britain* or *Ireland*, composed of any Article liable to Duty as a Part or Ingredient thereof, shall be chargeable with the full Duty payable on such Article, or if composed of more than One Article liable to Duty, then with the full Duty payable on the Article charged with the highest Rate of Duty.

RATES AND CHARGES ON IMPORTATION.

There shall be charged (irrespective of any Duties of Customs or other Rates or Charges payable by Law) upon the Importation of all Goods into *Great Britain* and *Ireland*, except Corn, Grain, and Flour, and Timber and Wood Goods, and Goods in Transit exported under Bond, and Goods imported for Exportation in the same Ship, provided they be so reported, the respective Rates and Charges following as defined and required by the Provisions of "The Customs Tariff Amendment Act, 1860," and under and subject thereto; that is to say,

	s.	*d.*
Goods in Packages or Parcels, per Package or Parcel or other Unit of Entry - - - - -	0	1
Goods in Bulk by Weight, Measure, or Number, for each Unit of Entry - - - - - -	0	1
Animals, per Head or other Unit of Entry - -	0	1

CHARGES ON GOODS ON DELIVERY FROM WAREHOUSE FOR HOME CONSUMPTION.

There shall be charged upon Goods deposited in any Warehouse for Security of Duties of Customs, in addition to such Duties and any other Charges thereon, for every One hundred Pounds of such Duties of Customs payable thereon, the Rates following; *viz.:*

On Delivery for Home Consumption from any Warehouse approved under the "Customs Consolidation Act, 1853,"

	£	*s.*	*d.*
In respect of Tobacco - - - -	0	2	6
In respect of other Goods - - - -	0	5	0

Whether such Tobacco or other Goods shall have been removed to such Warehouse under Bond or not.

Charges on Delivery of Goods from Warehouse—*continued.*	£	s.	d.
On Delivery for Home Consumption from any Warehouse at any Port or Place not possessing the Privileges of Bonding at the Time of the passing of this Act, or from any Warehouse approved under any Act other than the "Customs Consolidation Act, 1853," viz.,			
In respect of Tobacco - - - - -	0	5	0
In respect of other Goods - - - - -	0	10	0

CHARGES ON GOODS EXPORTED.

	s.	d.
There shall be charged, (irrespective of any Duties of Customs or other Rates or Charges payable by Law,) upon every Customs Bill of Lading, on the Exportation of any Goods from *Great Britain* and *Ireland*, as required by the Provisions of "The Customs Tariff Amendment Act, 1860," and under and subject thereto - - - - -	1	6

Repeal of Prohibition of Malt.

II. So much of the "Customs Consolidation Act, 1853," as prohibits the Importation of Malt into the United Kingdom is hereby repealed.

Prohibition of Extracts of Malt, &c.

III. Extracts and Essences of Malt and of Hops and other Concentrations thereof respectively, which are or may be applicable to the same Purposes, are hereby prohibited to be imported into *Great Britain* and *Ireland*.

Description of Goods in Entry.

IV. Upon the Entry of any Goods liable to Duties of Customs, the same shall be described in the Entry thereof according to the Denominations, Weight, Measure, Number, Quantity, or Value, as the Case may be, set forth in this Act, or in such other Manner as the Lords of the Treasury or the Commissioners of Customs may at any Time or from Time to Time direct.

Rates, if exceeding Ten Shillings, may be paid in Cash.

V. If the Rates of One Penny *per* Unit of Entry made payable under Section Nineteen of "The Customs Tariff Amendment Act, 1860," by Stamps, shall amount to more than Ten Shillings upon any Entry or Entries or other Document or Documents to which the Commissioners of Customs are authorized to direct the same to be affixed, the same may, at the Option of the Person liable thereto, with the Sanction of the said Commissioners, and under such Regulations as they may see fit, be paid in Cash.

Agent to act for Captain, &c.

VI. When any Act required by the said last-mentioned Act to be done by the Master of any Ship, or his Agent, at or after the final

final Clearance of the Ship, shall not have been so done before the Departure of the Ship, his Agent shall do and perform the same under and subject to the Penalties imposed by the said Act for Nonperformance thereof; and in order to the Identity of such Agent for that Purpose, such Agent shall countersign the Content of the Ship at or before the Clearance thereof by himself or the Clerk acting for him in the Clearance of such Ship; and any Agent either of the Master of any Ship or of the Exporter of any Goods who shall withhold any Customs Bill of Lading, Specification, or other Instrument required by the said Act to be delivered to the proper Officer of Customs, by the Master of any Ship or his Agent, or by the Exporter of any Goods or his Agent, shall be subject and liable to the Penalties thereby imposed by the said Act on the Master of any Ship, or the Exporter of any Goods for default in the Delivery of such Customs Bill of Lading, Specifications or other Instrument within the Time prescribed for Delivery thereof respectively.

VII. This Act shall come into operation on the Day of the passing thereof, except as otherwise provided herein; and in citing it in other Acts of Parliament and in legal Instruments, it shall be sufficient to use the Expression "The Customs Duties Consolidation Act, 1860." Commencement of Act. Short Title.

LONDON:
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ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

***

ments, Matters, and Things described or mentioned in the said Schedule, or for or in respect of the Vellum, Parchment, or Paper upon which any of them respectively shall be written, the several Stamp Duties or Sums of Money set down in Figures against the same respectively, or otherwise specified and set forth in the said Schedule, which said Schedule, and the several Provisions, Regulations, and Directions therein contained with respect to the said Duties, and the Instruments, Matters, and Things charged therewith, shall be deemed and taken to be Part of this Act, and shall be applied and put in execution accordingly: Provided that nothing herein contained shall in any way alter or affect the Act passed in the Twelfth and Thirteenth Years of the Reign of Her present Majesty, entitled *An Act to confer certain Powers on the Railway Passengers Assurance Company*, or the Duties thereby imposed

Stamp Duties now payable on Instruments, &c. mentioned in Schedule repealed.

II. The Stamp Duties now payable for and in respect of the several Instruments, Matters, and Things mentioned or described in the Schedule to this Act annexed, whereon other Duties are by this Act granted, shall respectively from and after the Day of the passing of this Act cease and determine, and the same are hereby repealed: Provided that the Stamp Duties now chargeable on any of the said Instruments, Matters, and Things, and not the said other new Duties, shall be payable in respect of such of them as shall be made, signed, or dated at any Time before or upon the Day of the passing of this Act.

Allowances on Bill and Receipt Stamps granted by Acts 13 & 14 Vict. c. 97. and 17 & 18 Vict. c. 83. to cease, and an Allowance granted in lieu thereof.

III. From and after the Thirty-first Day of *December* One thousand eight hundred and sixty, the Allowances granted respectively by the Eighteenth Section of the Act passed in the Thirteenth and Fourteenth Years of Her Majesty, Chapter Ninety-seven, in respect of Stamps for Receipts, and by the Twenty-fourth Section of the Act passed in the Seventeenth and Eighteenth Years of Her Majesty, Chapter Eighty-three, in respect of Stamps for Drafts, Bills, and Notes, and any Allowance granted by or payable under any other Act in respect of any of the Stamps herein-after mentioned, shall cease; and in lieu thereof there shall be granted and allowed to every Person who at one and the same Time shall produce at the Office of the Commissioners of Inland Revenue in *London* or *Dublin* Paper to be stamped with Stamps for denoting any Rate of Duty not exceeding One Shilling on Bills of Exchange, Drafts, or Orders, or Promissory Notes, or Stamps for denoting the Duty of One Penny on any Instrument or Document whatever, (except Postage Stamps and Customs Stamps,) to the Amount of Two Pounds or upwards in the whole of all or any of such Stamps as afore-

aforesaid, and to every Person who at one and the same Time shall purchase any such Stamps as aforesaid at the Office of the said Commissioners in *London*, *Edinburgh*, or *Dublin*, to the Amount aforesaid, or of any Distributor or Sub-Distributor of Stamps at any Place not within the Distance of Ten Miles from the said Offices respectively, to the Amount of One Pound or upwards, an Allowance of Tenpence for every Twenty Shillings of the Amount of the Duties denoted by such Stamps.

Provisions of former Acts to apply to this Act.

IV. All the Powers, Provisions, Clauses, Regulations, Directions, Allowances, and Exemptions, Fines, Forfeitures, Pains, and Penalties, contained in or imposed by any Act or Acts, or any Schedule thereto, relating to any Duties of the same Kind or Description heretofore payable in the United Kingdom and in force at the Time of the passing of this Act, shall respectively be of full Force and Effect with respect to the Duties by this Act granted, and to the Vellum, Parchment, Paper, Instruments, Matters, and Things charged and chargeable therewith, and to the Persons liable to the Payment of the said Duties, so far as the same are or shall be applicable in all Cases not hereby expressly provided for; and shall be observed, applied, allowed, enforced, and put in execution for and in the raising, levying, collecting, and securing of the said Duties hereby granted, and otherwise in relation thereto, so far as the same shall not be superseded by and shall be consistent with the express Provisions of this Act, as fully and effectually to all Intents and Purposes as if the same had been herein repeated and specially enacted, *mutatis mutandis*, with reference to the Duties by this Act granted.

The Duties on Foreign Promissory Notes to be denoted by adhesive Stamps.

V. The Duties by this Act granted on Promissory Notes made or purporting to be made out of the United Kingdom shall be denoted by adhesive Stamps, to be provided by the Commissioners of Inland Revenue for the Purpose, or by any Stamps of sufficient Amount which shall have been provided for denoting the Duties on Bills of Exchange made out of the United Kingdom; and the proper adhesive Stamp for denoting the Duty on any such Note shall be affixed thereon, and be cancelled at the same Time and Times, and in like Manner as is provided by the Fifth Section of an Act passed in the Seventeenth and Eighteenth Years of Her present Majesty, Chapter Eighty-three, and the Twelfth Section of an Act passed in the present Session, Chapter Fifteen, in the case of Bills of Exchange therein respectively mentioned, and under the like Penalties respectively for any Neglect thereof; and the said respective Sections shall be read as if the same were inserted in this Act expressly in reference to the Promissory Notes aforesaid, and the Duties

Duties by this Act granted thereon, as well as to the Bills of Exchange therein respectively mentioned.

Construction of Terms "Contract Note" and "Insurance."

VI. The Term "Contract Note," wherever the same is used in this Act, shall mean any Note or Memorandum mentioned or referred to under the Head Contract Note in the Schedule to this Act; and the Term "Insurance" shall mean also and shall include the Term "Assurance."

Stamps on Contract Notes may be impressed or adhesive; if adhesive, to be cancelled.

VII. The Stamp Duty on Contract Notes may be denoted either by impressed or adhesive Stamps, and the said Commissioners shall provide Stamps of both Descriptions; and in any Case where a Contract Note is made, and the same is not written on an impressed Stamp, there shall be affixed thereon a proper adhesive Stamp; and every Person who shall make or sign a Contract Note to which an adhesive Stamp shall be affixed shall effectually cancel and obliterate the Stamp by writing upon or across it his Name or the Name of his Firm, or the Initials thereof respectively, and by adding thereto the Date of such cancelling, and so and in such Manner that the said Stamp cannot be used upon or for any other Document or Writing; and if any Person shall make or sign any Contract Note by this Act chargeable with Stamp Duty without the same being duly stamped to denote the said Duty; or shall refuse or neglect to cancel and obliterate as aforesaid any adhesive Stamp affixed thereon, he shall forfeit the Sum of Twenty Pounds; and no Charge for Brokerage, Commission, Agency, or otherwise, made or to be made by any Broker, Agent, or other Person in or about the Sale or Purchase mentioned or referred to in any Contract Note made or signed by him, shall be lawful unless such Contract Note shall be duly stamped, and the Stamp thereon, if adhesive, properly cancelled.

On Renewal of Insurance the Receipt to be chargeable with the Duty.

VIII. Where any Insurance in respect of which a Policy or Agreement is chargeable with Stamp Duty under this Act shall be renewed or continued on the Payment of further Premium or Consideration, whether in pursuance of any Stipulation in the Policy or Agreement or otherwise, a Receipt for such further Premium or Consideration shall be given by the Person who shall receive the same, and such Receipt shall for the Purposes of this Act be and be deemed the Policy or Agreement for such renewed or continued Insurance and be chargeable with the Duty by this Act granted; and if any Person shall receive any Money for Premium or Consideration for any such Insurance, and shall not within a Month make out and, if required, deliver a duly stamped Policy or Agreement in respect thereof; or in the Case of a Renewal or Continuance of such Insurance, shall not thereupon give such Receipt

as

as aforesaid duly stamped; or if any such Person shall deliver or cause to be delivered any Policy or Agreement, or give or cause to be given any Receipt not duly stamped, he shall forfeit the Sum of Twenty Pounds; and where the Insurance shall be made, renewed, or continued by or for any Society or Company, the Person who shall be a managing Director, or the Secretary or other principal Officer thereof, at the Time of the Payment of any such Premium or Consideration, and of any such Default or unlawful Act being done or suffered as aforesaid, shall be held and deemed to be a Person doing or suffering the Default or unlawful Act, and shall, as well as the Society or Company, and the Members thereof who may by Law be chargeable therewith, be subject and liable to the said Penalty in respect thereof.

Adhesive or impressed Stamps, or both, may be used for Insurances.

IX. The Duties hereby granted on Instruments of Insurance may be denoted by any adhesive Stamps that the Commissioners of Inland Revenue may provide for the Purpose and in the meanwhile by any adhesive Stamps provided by them not appropriated by Name to any other Instrument, as well as by impressed Stamps, or by a Combination of both impressed and adhesive Stamps; and in any Case where an adhesive Stamp is issued it shall be cancelled by Writing upon the Stamp the Name of the Person or the Society or Company making the Insurance, or the Initials thereof, and the Date of Writing the same, and also any Particulars relating to the Insurance for which the Stamp may be adapted; and in default thereof such Person or Society or Company, and also the managing Director, Secretary, or other principal Officer as aforesaid of any such Society or Company, shall forfeit the Sum of Ten Pounds.

The Stamp Duty on Policies of Insurance on Lives for Sums not exceeding 25*l.* reduced.

X. Whereas it is expedient to reduce the Stamp Duty now chargeable on Policies of Insurance upon Lives for small Sums: Be it enacted, In lieu of the Stamp Duty of Sixpence now payable upon or for or in respect of any Policy of Insurance or other Instrument by whatever Name the same shall be called, whereby any Insurance shall be made upon any Life or Lives, or upon any Event or Contingency relating to or depending upon a Life or Lives, where the Sum insured shall not exceed Twenty-five Pounds, there shall be charged and payable the Stamp Duty of Threepence.

No Duty on Insurance of Workmen's Tools not exceeding 20*l.*

XI. No Insurance from Loss or Damage by Fire in any Sum not exceeding Twenty Pounds, made, renewed, or continued at the instance or for the Benefit of any Working Mechanic, Artificer, Handicraftsman, or Labourer on the Tools or Implements of Work or Labour used by any such Person in his Work or Employment, shall be

be chargeable with any Stamp Duty; provided that such Insurance be effected by a separate Policy, or that a distinct Sum be assured on such Tools or Instruments.

The Stamp on an Agreement may be adhesive.

XII. The Stamp Duty of Sixpence by the Act of the present Session of Parliament, Chapter Fifteen, charged on an Agreement under Hand only may be denoted by an adhesive Stamp in any Case where the same is capable of being used under the Terms and Restrictions herein-after mentioned; and the Commissioners of Inland Revenue shall provide Stamps for the Purpose; and whenever any such adhesive Stamp shall be used, every Party to the Agreement who shall sign the same, shall also at the Time of so signing write upon or across the Stamp his Name and the Date of the Day and Year of writing the same, so that the Stamp may be appropriated to the Instrument, and effectually cancelled and rendered incapable of being used for any other; and in default thereof the Stamp shall be of no Avail; and Proof of the said Writing upon or across the Stamp, as hereby required, shall be a necessary Part of the Evidence of the Agreement in any Case where such Agreement is not stamped with an impressed Stamp.

Every Delivery Order to be deemed to be upon a Sale or Transfer unless otherwise stated.

Penalty for false Statement.

Order not to be invalid.

XIII. Every Writing or Document entitling or intended to entitle any Person to the Delivery of any Goods, Wares, or Merchandise lying in any Dock, Port, or Warehouse, or upon any Wharf, as in the said Act of the present Session is mentioned, shall be deemed to be made and given upon a Sale or Transfer of the Property in such Goods, Wares, or Merchandise, unless the contrary shall be expressly stated therein by the Person making or giving the same; and if any Person shall untruly state or by any Word or Words signify or cause or permit to be untruly stated or signified in any such Writing or Document that the same is not made or given upon a Sale or Transfer; or if any Person shall himself or by his Servant or other Person procure or require the Delivery of any of the Goods, Wares, or Merchandise therein mentioned, knowing that the same contains any such untrue Statement, every such Person shall forfeit, over and above any other Penalty to which he may be liable, the Sum of Twenty Pounds; but any such Writing or Document shall not, by reason of the same not being stamped, be invalid in the Hands of the Person having the Custody of the Goods, Wares, and Merchandise, and delivering out the same, unless such Person shall be Party or privy to the Fraud thereby committed.

The Stamp Duty on a Delivery

XIV. The Stamp Duty of One Penny payable on any such Writing or Document as in the last preceding Clause is mentioned shall,

shall, in the Absence of any special Agreement between the Parties relating to it, be paid by the Person requiring the Writing or Document; and it shall be lawful, in any such Case, for the Person of whom the Writing or Document is required to refuse to give the same until the Amount of the Stamp Duty thereon be paid to him.

Order to be paid by the Person requiring the Order.

XV. Whereas a Practice prevails in relation to certain Descriptions of Goods, Wares, and Merchandise lying in Docks and Warehouses, and upon Wharfs, for the Company or Person in whose Custody the same may be to deliver to the Owner thereof, in addition to a Warrant evidencing the Title to the Property, a certain other Document termed a Weight-Note, such Document being intended to be delivered by or on behalf of the Owner to the Purchaser of the Goods mentioned in the Warrant upon any Sale thereof before the Completion of the Contract for Sale, but which other Document as well as the Warrant is chargeable with the Duty of Threepence under the Head Dock Warrant in the Schedule to the said Act of the present Session, and it is expedient that the same should be exempted from the said Duty: Be it therefore enacted, In any Case where a Document designated a Warrant, chargeable with and duly stamped for denoting the Payment of the said Duty of Threepence, and also a Document termed a Weight-Note, or any other Document of the like Character or Description relating only to the same Goods, Wares, or Merchandise as are specified in the Warrant, shall be issued by the Company or Person in whose Custody the said Goods, Wares, or Merchandise shall be, to the Owner thereof or his Broker or Agent, the Weight-Note or other Document aforesaid shall be exempt from the said Duty of Threepence.

Weight-Notes not to be liable as Dock Warrants.

XVI. The Stamp Duty of One Penny by the said Act of the present Session charged upon a certified Copy or Extract of or from any Register of Births, Baptisms, Marriages, Deaths, or Burials shall not be deemed to have been or to be payable upon any such Copy or Extract which is or shall be furnished by any Clergyman, Registrar, or other official Person, pursuant to and for the Purposes of any Act of Parliament, or to any General or Superintending Registrar under any General Regulation, nor in any Case where the Person giving the Copy or Extract is not entitled to any Fee or Reward for the same.

Certain Copies or Extracts from Registers not to be chargeable with Stamp Duty.

XVII. No Draft, or Order, Writing, or Document for the Payment or for entitling any Person to the Payment by or through any Banker or Person acting as a Banker of any Sum of Money, such Draft, Order, Writing, or Document being sent or delivered by the Person making

Certain Orders on Bankers not to be subject to more than a Penny Stamp.

making or giving the same to the Banker or Person acting as a Banker by or through whom the Payment is to be made, and not to the Person to whom such Payment is to be made or to any Person on his Behalf, shall be chargeable or be deemed to have been chargeable with any higher Stamp Duty than One Penny, notwithstanding the said Payment shall be or have been thereby directed to be made at any Time after the Date thereof, which Duty of One Penny may be denoted by an adhesive Stamp to be cancelled as in the Case of a Draft or Order on Demand.

Bankers may affix Stamps to Drafts or Orders drawn on them.

XVIII. Where any Draft or Order for the Payment of Money by any Banker or Person acting as a Banker, chargeable with the Stamp Duty of One Penny, shall come to the Hands of such Person unstamped, it shall be lawful for him to affix thereto the necessary adhesive Stamp, and to cancel the same in manner by Law required, and upon so doing to make the Payment thereby directed, and to charge the Duty in account against the Person who ought to have paid the same, or to deduct such Duty from the Sum so directed to be paid; and such Draft or Order shall, so far as relates to the Stamp Duty chargeable thereon, be good and valid; but this shall not relieve any Person from the Liability to the Penalty he may have incurred by issuing the said Draft or Order unstamped.

Sect. 18. of 55 Geo. 3. c. 184. prohibiting the issuing of Bankers Notes with printed Dates, repealed.

Drafts on Bankers for less than 20s. to be lawful.

XIX. Whereas by the Eighteenth Section of the Act passed in the Fifty-fifth Year of the Reign of King *George* the Third, Chapter One hundred and eighty-four, the issuing of Promissory Notes payable to Bearer on Demand with printed Dates therein is prohibited, and such Prohibition is an unnecessary Restriction: Be it enacted, That the said Section of the said last-mentioned Act shall be and is hereby repealed: Provided always, that, notwithstanding anything in any Act of Parliament contained to the contrary, it shall be lawful for any Person to draw upon his Banker, who shall *bonâ fide* hold Money to or for his Use, any Draft or Order for the Payment, to the Bearer or to Order on Demand, of any Sum of Money less than Twenty Shillings.

Licences to Hawkers and Pedlars granted in England or Scotland to be good for any Part of Great Britain.

XX. Whereas by an Act passed in the Fiftieth Year of the Reign of King *George* the Third, Chapter Forty-one, every Hawker, Pedlar, and Petty Chapman, and other trading Person going from Town to Town or to other Men's Houses, in *England*, *Wales*, or *Berwick-upon-Tweed*, is required to take out a Licence as therein mentioned, and by an Act passed in the Fifty-fifth Year of the Reign of the said King, Chapter Seventy-one, such trading Persons in *Scotland* are also required to take out a Licence: Be it enacted, That a Licence

Licence taken out under either of the said Acts shall be sufficient to authorize the trading, according to the Tenor of it, in any Part of *Great Britain*, and shall be read as a Licence granted under both of the said Acts.

XXI. If any Person be convicted of an Offence under either of the said Two last-mentioned Acts, it shall be lawful for the Commissioners of Inland Revenue, and they are hereby authorized, in case they shall see fit so to do, to remit the whole or any Part of the Penalty imposed by Law for such Offence, notwithstanding the same or some Portion thereof may be payable to some Party other than the Crown.

Commissioners of Inland Revenue may remit Penalties under the said Acts.

XXII. It shall be lawful for any Person in the Service or Employment of the Post Office, without any Licence or any Authority other than this Act, to carry about for Sale and to sell at any Place or Places within the United Kingdom, Postage Stamps and printed Forms of any Kind issued from or used at the General Post Office, and any other Matters and Things relating to the Business of the Post Office which are or may be authorized or permitted to be sold at any Post Office; and such Person shall not be subject or liable to any Penalty or Forfeiture for so doing, anything in any Act or Acts to the contrary notwithstanding.

Persons in the Service of the Post Office may sell Postage Stamps, &c. without Licence.

XXIII. Whereas by the Act passed in the Twentieth and Twenty-first Years of Her Majesty's Reign, Chapter Seventy-seven, for amending the Law relating to Probates and Letters of Administration in England, it is enacted that none of the Fees payable to the Officers of the Court of Probate, or of any County Court, in respect of Business under the Act, except the Fees of District Registrars, (which were to be taken as their Remuneration, and for their own Use,) should be received in Money, but that every such Fee should be collected and received by a Stamp denoting the Amount of the Fee which otherwise would be payable, and Provisions were therein made for the proper Collection of such Fees; and it was also enacted, that it should be lawful for the Commissioners of Her Majesty's Treasury at any Time to order that the District Registrars or any of them should be paid by Salaries instead of Fees, and that thereupon all Fees payable to them should be accounted for and paid into the Exchequer as the said last-mentioned Commissioners should direct; and by an Act passed in the same Year, Chapter Seventy-nine, for amending the Law relating to Probates and Letters of Administration in *Ireland*, similar Enactments are contained; and it may be considered expedient in Cases where the said last-mentioned Commissioners shall have directed or shall at any Time direct the District Registrars in *England* or *Ireland* to be paid by Salaries instead

20 & 21 Vict. c. 77. Probates and Administrations, England.

20 & 21 Vict. c. 79. Ireland.

If Treasury direct District Registrars to be paid by Salary, they may also direct the Fees to be collected, &c. by means of Stamps.

instead of Fees, that such Fees should also be collected and received by means of Stamps: Be it therefore enacted as follows, In any Case where the Commissioners of Her Majesty's Treasury have ordered or shall at any Time hereafter order that any District Registrar, under either of the said Acts, shall be paid by Salary, it shall be lawful for them at any Time to order also that the Fees or any of the Fees authorized to be taken by such District Registrar shall be collected and received by means of Stamps; and thereupon, from and after the Time to be fixed for that Purpose by any such last-mentioned Order, every such Fee shall be collected and received by a Stamp denoting the Amount of the Fee which otherwise would be payable, in the same Manner and under and subject to the same Provisions, Clauses, Regulations, and Directions in that Behalf as are contained in the said Acts respectively, in relation to the Fees thereby directed to be collected and received by means of Stamps, and to the Documents which ought to be stamped to denote such Fees, as if such Fees had not been excepted as aforesaid, but had been expressly directed by the said respective Acts to be collected and received by means of Stamps, as other Fees are thereby respectively directed to be collected and received.

SCHE-

SCHEDULE referred to, containing the Duties by this Act imposed.

	£	s.	d.
AWARD in England or Ireland, and Award or Decreet Arbitral in Scotland:			
Where the Amount or Value of the Matter in dispute shall not exceed 50*l.* - -	0	2	6
And where it shall exceed 50*l.* and not exceed 100*l.* - - - -	0	5	0
And where it shall exceed 100*l.* and not exceed 200*l.* - - -	0	10	0
And where it shall exceed 200*l.* and not exceed 500*l.* - - -	0	15	0
And where it shall exceed 500*l.* and not exceed 750*l.* - - -	1	0	0
And where it shall exceed 750*l.* and not exceed 1,000*l.* - - - -	1	5	0
And where it shall exceed 1,000*l.*, and also in all other Cases not above provided for -	1	15	0
CONTRACT NOTE. Any Note, Memorandum, or Writing, commonly called a Contract Note, or by whatever Name the same may be designated, for or relating to the Sale or Purchase of any Government or other Public Stocks, Funds, or Securities, or any Stocks, Funds, or Securities, or Share or Shares of or in any Joint Stock or other public Company, to the Amount or Value of 5*l.* or upwards - - -	0	0	1
LEASE. Any Assignment or Surrender of a Lease or Tack for a Term of Years exceeding Thirty-five, upon any other Occasion than a Sale or Mortgage - - -	A Duty equal to the ad valorem Duty with which a similar Lease or Tack would be chargeable, but no higher Duty than 1*l.* 15*s.* shall be charged.		
POLICY OF ASSURANCE or Insurance, by whatever Name the same shall be called, whereby any Sum of Money shall be assured, or agreed to be paid only upon the Death of any Person, from or by reason of any Cause incident to or consequent			

	£	s.	d.
sequent upon travelling, whether by Land or Water, or any Accident or external Violence, or any Cause whatever other than a natural Cause; or whereby any Compensation shall be assured or agreed to be made or paid for personal Injury received from any Cause whatever; or whereby both a Sum of Money upon Death and a Compensation for personal Injury as aforesaid shall be assured and agreed to be paid, or whereby any Assurance or Insurance shall be made upon Glass from Loss or Damage of any kind except by Fire,			
Where the Premium or Consideration for such Assurance, Insurance, or Agreement shall not exceed Two Shillings and Sixpence -	0	0	1
And where the same shall exceed Two Shillings and Sixpence and shall not exceed Five Shillings - - -	0	0	3
And where the same shall exceed Five Shillings, then for every Five Shillings and also for every fractional Part of Five Shillings - - - -	0	0	3
PROMISSORY NOTE made in the United Kingdom for the Payment of any Sum of Money exceeding 4,000*l.*,			
For every 1,000*l.* or Part of 1,000*l.* of the Money thereby made payable - -	0	10	0
Foreign PROMISSORY NOTE made or purporting to be made out of the United Kingdom for the Payment within the United Kingdom of any Sum of Money - - — The same Duty as on an Inland Bill of Exchange for the Payment otherwise than on Demand of Money of the same Amount			

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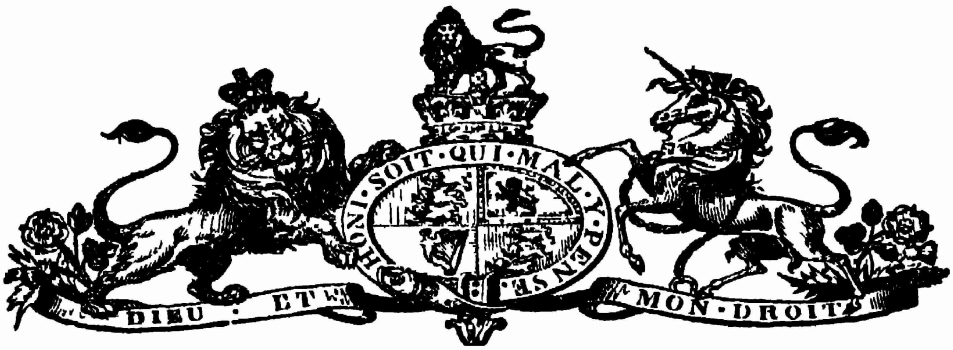

ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

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CAP CXII.

An Act to make better Provision for acquiring Lands for the Defence of the Realm.

[28*th August* 1860.]

WHEREAS the Commissioners appointed by Her Majesty to inquire into the State, Condition, and Sufficiency of the Fortifications existing for the Defence of the United Kingdom have recommended the Construction of certain Works of Defence for the Protection of the Royal Arsenals and Dockyards and the Ports of *Dover* and *Portland*, and of certain other Works; and it will be necessary to acquire considerable Portions of Land for the Construction of such of the Works so recommended as Parliament has provided or shall provide Money for constructing, and also for the Erection and Establishment of a Central Depôt or Arsenal; and it may be necessary that certain Lands in the Vicinity of the said Fortifications and Works which may not be required for the Construction of any of the said Works should be kept free from Buildings and other Obstructions: And whereas it is expedient that the Powers herein-after contained should be given for effecting the Purposes aforesaid: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Defence of the Realm.

Ascertaining the Lands to be taken or to be kept free from Buildings.

Lands to be taken and Lands to be kept free from Buildings to be ascertained by Declaration of Secretary for War.

I. On or before the Thirty-first Day of *August* One thousand eight hundred and sixty-one, the Lands required to be taken absolutely for the Construction of the said Works and Depôt or Arsenal, and the Lands in the Vicinity of the Fortifications and Works aforesaid, which are required to be kept free from Buildings and other Obstructions shall be ascertained by a Declaration or Declarations to be at any Time, or from Time to Time, made and signed by Her Majesty's Principal Secretary of State for the War Department.

Declaration, what to show.

II. Every such Declaration shall specify and show, with the Aid of a Map or Plan thereto annexed constructed on a Scale of not less than Six Inches to a Mile, the Lands to which the same relates, and shall distinguish what Lands are required to be taken absolutely and what Lands are required to be kept free from Buildings and other Obstructions.

Restriction on taking of certain Descriptions of Property.

III. Part only of any Garden, Orchard, Nursery Ground, Yard, Paddock, Plantation, planted Walk, or Avenue appurtenant to and used and enjoyed as such with any House before the affixing as herein-after provided of Notice of any Declaration in relation thereto under this Act, shall not be taken from any Party if such Party be willing and able to sell the whole.

Copy of Declaration, &c. to be deposited with Clerks of the Peace, &c.

IV. The said Secretary of State shall, within Three Months after the making of any such Declaration, cause Copies thereof, and of the Map or Plan thereto annexed, to be deposited as herein-after mentioned; (that is to say,)

There shall be deposited at the Office of the Clerk of the Peace for every County in which any Lands to which any such Declaration relates are situate, a Copy of such Declaration, and of the Map or Plan thereto annexed:

There shall also be deposited with the Parish Clerk of every Parish in *England*, or in the Case of an Extra-parochial Place, with the Parish Clerk of some Parish immediately adjoining thereto, and with the Clerk of the Union within which any Parish is included in *Ireland*, a Copy of so much of every such Declaration, and of the Map or Plan thereto annexed, as relates to any Lands situate in such Parish or Extra-parochial Place.

Clerks of the Peace, &c. to receive and hold Copies so deposited as under 7 W. 4. & 1 Vict. c. 83.

V. All Clerks of the Peace, Parish Clerks, and Clerks of Unions shall receive and retain the Copies deposited with them as aforesaid, and permit all Persons interested to inspect the same, and make Extracts or Copies therefrom, in the like Manner, and upon the like Terms, and under the like Penalty for Default, as provided by an Act passed

passed in the Session holden in the Seventh Year of King *William* the Fourth and First Year of Her Majesty, intituled *An Act to compel Clerks of the Peace for Counties and other Persons to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament*, with respect to Plans directed to be so deposited by the Standing Orders of either House of Parliament.

Notices to be affixed on Church Doors.

VI. The said Secretary of State shall, within Three Months after the making of any such Declaration as aforesaid, cause Notice thereof to be affixed in some public and conspicuous Situation, on the Outside of the outer Door or outer Wall near the Door of every Church and Public Chapel (including Places of Public Worship not belonging to the Established Church) in the Parishes or Places in England, or in the usual Places for posting Public Notices in the Baronies, Cities, Towns, or Boroughs in *Ireland*, wherein the Lands comprised in such Declaration respectively lie:

Such Notice shall state the Fact of such Declaration having been made as aforesaid under this Act, and the Places where Copies of the said Declaration and of the Map or Plan thereto annexed, so far as the same affect Lands in such respective Parishes or Places, Baronies, Cities, Towns, or Boroughs, have been deposited as herein-before required.

Notices of Lands required to be taken or to be kept free from Buildings.

Notices to Owners, &c. of Land.

VII. The said Secretary of State shall, within Six Months after the making of any such Declaration, cause such Notice or Notices in Writing as herein-after mentioned to be served in manner herein-after provided on the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands to which such Declaration relates.

Contents of such Notice.

VIII. Every such Notice shall specify the Lands required to be taken or to be kept free from Buildings and other Obstructions (as the Case may be), and the Places where Copies of the Declaration relating thereto have been deposited as herein-before required:

Every such Notice shall also state that the said Secretary of State is willing to treat as to the Compensation to be paid for such Lands, or (in the Case of Lands required to be kept free from Buildings) as to the Compensation to be paid for the Damage to be sustained by reason of the Restraints under this Act on the Exercise of the Right of Building and other Rights incident to the Ownership of such Lands, and by reason of the Execution under the Powers of this Act of any intended Works specified in such Notice:

And

And every such Notice shall demand from the Party to whom the same is given the Particulars of the Estate and Interest of such Party in the Lands, and of the Claims made by such Party in respect thereof, stating therein the Amount which such Party may be willing to receive as Compensation for his Estate and Interest, or for any Damage in respect thereof referred to in such Notice.

How Notices to be given.

IX. Every such Notice shall be served personally on the said Parties, or left at their last usual Places of Abode, if any such can after diligent Inquiry be found, and in case any of such Parties be absent from the United Kingdom, or cannot be found after diligent Inquiry, shall be addressed to such Party and left with the Occupier of the Lands, or, if there be no such Occupier, affixed upon some conspicuous Part of such Lands:

If any of such Parties be a Corporation Aggregate such Notice shall be left at the principal Office of such Corporation, or, if no such Office can after diligent Inquiry be found, such Notice shall be served on some principal Member, if any, of such Corporation, and a Duplicate of the Notice shall be addressed to such Corporation and left with the Occupier of the Lands, or, if there be no such Occupier, affixed upon some conspicuous Part of such Lands.

Determination of the Amount of Compensation by Agreement.

Amount of Compensation may be determined by Agreement.

X. The Amount of Compensation to be paid for any Lands required to be taken, and the Amount of Compensation to be paid in respect of any Damage sustained by reason of such Restraints as aforesaid, or by reason of the Execution of any Works in or over any Lands required to be kept free from Buildings, may be determined by Agreement between the said Secretary of State and all Parties having any Estate or Interest in such Lands respectively.

Corporations, Tenants for Life, Trustees, Committees, &c. empowered to agree.

XI. All Corporations and all Feoffees or Trustees for Charitable or other Purposes of any Lands required to be taken or to be kept free from Buildings, and all Tenants for Life and Tenants in Tail of any such Lands, and the Husbands, Guardians, Trustees, Committees, and Attorneys of such of the Owners of or other Persons interested in any such Lands as may be Femes Covert, Infants, Lunatics, Idiots, or beyond the Seas, or otherwise incapable of acting for themselves, may agree with the said Secretary of State as to the Amount of such Compensation to be paid for any such Lands, or any Damage sustained in respect thereof:

All Agreements made and Acts done by such Corporations and Persons respectively in relation to such Compensation shall be valid and effectual in Law to all Intents and Purposes whatsoever.

Determination

Determination of Amount of Compensation otherwise than by Agreement.

XII. If for Fourteen Days after the Service of any such Notice as aforesaid any Party on whom the same is served fail to state the Particulars of his Claim in respect of any Lands to which such Notice relates, or to treat with the said Secretary of State as to the Amount of Compensation to be paid to such Party or which he is empowered to agree upon,

How Compensation to be settled in case of Neglect to treat.

Or if the said Secretary of State and such Party do not within such Fourteen Days agree as to the Amount of such Compensation,

Such Amount shall be settled by a Jury in like Manner as if the same were Compensation for Lands surveyed and marked out under the Act of the Session holden in the Fifth and Sixth Years of Her Majesty, Chapter Ninety-Four, herein-after referred to as "The Defence Act, 1842," as amended by the Act of the Session holden in the Eighteenth and Nineteenth Years of Her Majesty, Chapter One hundred and seventeen.

XIII. Provided always, That if the Compensation claimed do not exceed Two hundred Pounds, the same shall be settled by Two Justices, in manner following; that is to say, it shall be lawful for any Justice, upon the Application of either Party, to summon the other Party to appear before Two Justices at a Time and Place to be named in the Summons, and upon the Appearance of the Parties, or, in the Absence of either of them, upon Proof of due Service of the Summons, it shall be lawful for such Justices to determine such Amount, and for that Purpose to examine the Claimant and the Witnesses of the Parties upon Oath.

Provision where Compensation claimed is under 200*l.*

XIV. Where by reason of Absence from the United Kingdom any Party is prevented from treating, or cannot after diligent Inquiry be found, the Amount of such Compensation shall be determined by Valuation in manner following; that is to say, the said Secretary of State shall make Application to Two Justices and upon Proof satisfactory to them that any such Party is by reason of Absence from the Kingdom prevented from treating, or cannot after diligent Inquiry be found, such Justices shall, by Writing under their Hands, nominate a competent Surveyor for determining the Amount of such Compensation as aforesaid, and such Surveyor shall determine the same accordingly, and shall annex to his Valuation a Declaration in Writing subscribed by him of the Correctness thereof.

Compensation to absent Parties to be settled by a Surveyor to be appointed by Two Justices.

Surveyor acting corruptly to be guilty of a Misdemeanor.

XV. If any Surveyor wilfully and corruptly make any incorrect or false Valuation, or wilfully and corruptly act in the Matter hereof, he shall be guilty of a Misdemeanor.

Valuation to be preserved and produced on Demand.

XVI. The said Nomination shall be annexed to the Valuation to be made by such Surveyor, and shall be preserved together therewith by the said Secretary of State, who shall at all Times produce the said Valuation and other Documents, on Demand, to all Parties interested in the Lands comprised therein.

Damage may be ascertained when Works done.

XVII. Where any Damage has been sustained by reason of any Works authorized by this Act in or upon Lands required to be kept free from Buildings and other Obstructions, in respect of which Works Compensation has not been agreed upon, awarded, or otherwise ascertained prospectively, Compensation shall be paid in respect thereof when the Works have been done, such Compensation to be determined in like Manner as other Compensation under this Act, or as near thereto as Circumstances admit.

In estimating Damage from Works regard to be had to Advantages derived.

XVIII. In determining the Amount of Compensation in respect of Damage sustained by reason of any such Works, regard shall be had to any Increase in the Extent of Land capable of being brought under Cultivation by Removal of Banks, Fences, Hedges, and Ditches, and to any improved Drainage and other Advantages derived from any such Works.

Where any Agreement in restraint of Building exists, regard to be had thereto in estimating Compensation.

XIX. Where any Covenant or Agreement has been entered into with the principal Officers of Her Majesty's Ordnance or with the said Secretary of State in restraint of the Right to build on any Lands, and such Covenant or Agreement is legally or equitably binding on the Owner of the Lands, regard shall be had in ascertaining the Amount of Compensation to be paid under this Act for or in respect of such Lands (whether the same are required to be taken absolutely or are required to be kept free from Buildings) to the existing Restriction arising out of such Covenant or Agreement.

Payment and Application of Compensation in certain Cases.

Provision for Payment and Application of Compensation Money in certain Cases.

XX. Any Compensation payable under this Act, for or in respect of any Lands, or any Interest therein, taken from or holden by any Owner who by reason of Absence is prevented from treating as aforesaid, or who cannot after diligent Inquiry be found, or who refuses to accept such Compensation, or neglects or fails to make out a Title to such Lands or the Interest therein claimed by such Owner to the Satisfaction of the said Secretary of State;

And

Defence of the Realm.

And any Compensation payable for or in respect of any Lands or any Interest therein taken from or holden by any Corporation or Person not having, independently of this Act and The Defence Act, 1842, as amended as aforesaid, Power to agree as to the Amount of such Compensation, or to sell and convey such Lands or such Interest,

Shall be paid and applied in manner directed by the Sections numbered Twenty-five to Thirty of The Defence Act, 1842 (and with regard to *England*), as amended by Section Eight of the Act of the Session holden in the Twenty-second and Twenty-third Years of Her Majesty, Chapter Twenty-one, as if the said Sections expressly extended to the said Compensation.

On Payment into Court of Compensation, an Addition to be made to meet future Expenses.

XXI. Where any Compensation is required to be paid into the Bank of *England* or *Ireland* under this Act, there shall be added thereto a Sum of Thirty Pounds as an Equivalent for the Expenses consequent upon such Payment, and upon such Compensation, with such additional Sum (which shall be deemed Part of such Compensation), being so paid, the said Secretary of State shall be discharged from all Liability in respect thereof, and the Court of Chancery may allot to any Tenant for Life, or for any other partial or qualified Estate in respect of any Expenses of Investment incurred by him, any Portion of any such Compensation which the Court may deem just.

Provision for Payment into Court on failure for Three Months after Compensation ascertained to deduce a Title.

XXII. The said Secretary of State may in any Case at or after the Expiration of Three Months from the Time at which the Compensation for any Lands has been agreed upon or otherwise ascertained, if the Owner thereof have not in the meantime made out a Title thereto to the Satisfaction of the said Secretary of State, pay such Compensation, without such Addition as aforesaid, into the Bank of *England* or *Ireland* in manner herein-before referred to, and such Payment shall discharge the said Secretary of State from all Liability in respect of the Money so paid:

Provided always, that the Court of Chancery may, upon Application for Payment of such Money to the Party entitled, in case the Court be of Opinion that there was no unreasonable Delay in deducing the Title, or that a good Title was shown, order all or any Costs occasioned by such Payment into Court to be paid by the said Secretary of State.

Orders concerning Money paid into Court may be made at Chambers.

XXIII. All Orders and Directions in relation to any Money paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery under this Act, or the Securities in or upon which the same may be invested, or the Dividends or Interest on such Money and Securities, which under the said Acts the Court of Chancery is empowered to make or give, on Motion or Petition, may be made or given by the Master of the Rolls

or

or any of the Vice-Chancellors while sitting at Chambers, upon Summons, in like Manner as in other Cases in which Proceedings may be so had before the Master of the Rolls and Vice-Chancellor, subject, nevertheless, to any General Rules and Orders which may hereafter be made concerning the Practice, Proceedings, or Business of the said Court.

Provisions as to Costs.

Costs of and incident to Agreements, &c. under this Act to be borne by Secretary of State.

XXIV. The Costs of and incident to any Agreement with the said Secretary of State under this Act concerning the Compensation to be paid for or in respect of any Lands taken or affected under the Provisions of this Act and the Costs of the Deduction and Verification of Title shall be paid by the said Secretary of State: all which Costs shall be taxed by One of the Taxing Masters of the Court of Chancery in *England* or *Ireland* (according to the Situation of the Lands) upon the Request and at the Expense of the said Secretary of State.

Provision for Costs when Amount of Compensation is determined by a Jury or Justices.

XXV. In case any Jury give a Verdict or Assessment for more Compensation for any Lands or any Interest therein or any Damage than was offered for the same by the said Secretary of State, or for any Amount of Compensation where no Offer of any Compensation was made, then all the reasonable Costs and Expenses of and incident to the Settlement of the Amount of such Compensation by a Jury shall be paid by the said Secretary of State, such Costs to be settled upon the Request of the said Secretary of State by One of the Masters of the Court of Queen's Bench in *England* or *Ireland*, according to the Situation of the Lands:

But in every Case in which the Jury shall be of opinion that the Statement delivered by the Claimant of the Manner in which any Amount demanded as Compensation has been computed and made up did not give sufficient Particulars to enable the said Secretary of State to make a proper Offer, and in every other Case in which the Jury give a Verdict or Assessment for the same or a less Sum than was offered by the said Secretary of State, or in case no Damage be found by the Jury where the Question is as to Damage only, or where the summoning a Jury arose from a Refusal to state or demand any Amount of Compensation, then and in every such Case all such Costs and Expenses to be settled in manner aforesaid shall be paid to the said Secretary of State by the Body or Person claiming the Compensation or refusing to state or demand any Amount of Compensation; and all Costs and Expenses payable hereunder to the said Secretary of State shall be retained out of the Compensation (if any) given by the Verdict or Assessment of the Jury:

The

The foregoing Provisions as to Costs in the Case of the Determination of any Question as to Compensation by a Jury shall be applicable also where such Question is determined by Justices.

Apportionment and Release of Rents and Incumbrances.

Provision for Apportionment of Rents and Incumbrances.

XXVI. If Part only of any Lands comprised in any Lease or Mortgage, or otherwise subject to any Rent Service or other Rent, or any annual or other Payment or Incumbrance, be taken under this Act, such Rent, Payment, or Incumbrance may be apportioned by Agreement between the Parties entitled thereto and to the Lands subject thereto and the said Secretary of State, or in case no such Agreement be made, the same may be apportioned by the Jury or Justices by whom the Compensation payable in respect of the Part of the said Lands taken by the said Secretary of State is determined, or if not so determined, may be determined by Two Justices, as herein provided in certain Cases of Compensation:

After such Apportionment such apportioned Part only of such Rent, Payment, or Incumbrance shall be payable out of the Residue of the said Lands, and all Covenants, Provisoes, Conditions, Agreements, Powers, and Remedies in respect of the said Rent, Payment, or Incumbrance shall remain in force in respect of the apportioned Part which is to remain payable, as against the Residue of such Lands, and where any Rent originally reserved was an ancient and accustomed Rent the Part so continuing payable shall be deemed to be the ancient and accustomed Rent for such Residue of the said Lands.

Power to release Land from Rentcharge, &c.

XXVII. With the Consent of the Party entitled to the Lands, the Party entitled to any Rentcharge, Payment, or Incumbrance may release therefrom the Portion of the said Lands taken as aforesaid on condition or in consideration of the remaining Part remaining exclusively subject to the whole Rentcharge, Payment, or Incumbrance, and in such Case all Covenants, Provisoes, Conditions, Agreements, Powers, and Remedies in respect of such Rentcharge, Payment, or Incumbrance shall remain in force against the said Residue of the said Lands.

Who competent to make Apportionment, &c.

XXVIII. All Bodies and Persons who are enabled to agree for the Sale of Lands to the said Secretary of State shall be competent to agree for and make an Apportionment or Release under either of the Two last preceding Enactments.

Power to use "The Lands Clauses Consolidation Act, 1845."

Secretary of State may avail himself

XXIX. The said Secretary of State may, if he think fit, as well in respect of Lands required to be kept free from Buildings as in respect of

of Powers of 8 & 9 Vict. c. 18.

of Lands taken under this Act, use and avail himself of all or any of the Powers and Authorities by "The Lands Clauses Consolidation Act, 1845," given to "the Promoters of the Undertaking;" and every Party enabled by the last-mentioned Act to sell and convey or release Lands or any Estate or Interest therein to "the Promoters of the "Undertaking" shall have the same or the like Powers to contract, and agree with the said Secretary of State as to the Compensation to be paid in respect of any Lands, Estates, or Interests taken or affected under the Provisions of this Act: Provided always, that nothing in this Enactment shall prejudice or affect the Right to exercise the other Powers or Authorities hereby given.

Vesting of Lands to be taken absolutely in the Secretary of State and Power of immediate Entry.

Lands taken to be vested in Secretary of State on behalf of Her Majesty.

XXX. The Lands required to be taken under this Act by the said Secretary of State shall, from and after Payment of the Compensation for the same, be vested in the said Secretary of State, on behalf of Her Majesty, discharged of all Estates, Rights, and Interests whatsoever.

Power to Secretary of State to enter immediately.

XXXI. Provided always, That it shall be lawful for the said Secretary of State, at any Time after the Expiration of Fourteen Days from the Service of such Notice as aforesaid in relation to any Lands mentioned in any such Declaration as aforesaid as required to be taken by him, to enter upon and take possession of and hold such Lands, or any of them, and to cause to be executed thereon all such Works as such Secretary of State may think fit.

Interest to be payable until Payment of Compensation Money.

XXXII. Provided also, That in case Possession be taken of any Lands before Payment of the Compensation for the same, Interest shall be payable upon the Amount of such Compensation until Payment thereof, after the Rate of Five Pounds *per Centum per Annum* from the Time of taking possession as aforesaid; and such Interest shall go and be applied as the Income of the Lands would have gone and been applied if Possession had not been so taken.

Continuance of Liability to Tithe Rentcharge, Taxes, and Rates.

Lands to continue subject to Tithe Rentcharges, Taxes, and Rates.

XXXIII. The Lands vested in the said Secretary of State in pursuance of this Act which were before the Time of such vesting liable to and charged with Tithes or Tithe Rentcharge, Land Tax, Poor or other Rates, shall continue chargeable therewith, but shall not be assessed to any Tax or Rate at a higher Value or Rent than that at which such Lands were assessed at the Time of such vesting.

Defence of the Realm.

Restraints and Powers to attach on Lands required to be kept free from Buildings.

Restrictions and Powers with respect to Lands required to be kept free from Buildings.

XXXIV. From and after the Service of such Notices as aforesaid in relation to any Lands required to be kept free from Buildings and other Obstructions, the following Restrictions, Powers, and Consequences shall attach with reference to such Lands:

No Building or other Structure (other than Barns, Hovels, or other like Structures of Wood,) shall be made or erected thereon:

It shall be lawful for the said Secretary of State, at any Time after the Expiration of Fourteen Days from the Service of such Notice, and from Time to Time, to enter and pull down any present or future Buildings or Structures (other than as aforesaid) thereon, and to cut down or grub up all or any of the Trees thereon, and to remove or alter all or any of the Banks, Fences, Hedges, and Ditches thereon, and to make underground or other Drains therein, and generally to level and clear the said Lands, and do all such Acts for levelling and clearing the same as may be deemed necessary or proper by the said Secretary of State, but in such Manner, nevertheless, that Evidence of the Boundaries of the Lands held by different Owners may be preserved:

And it shall not be lawful for any Person to alter the Level of the Lands, or do any Act which may prejudicially affect any Work done on the Lands under the Authority of the said Secretary of State.

Limitation of Time for Works under last preceding Enactment.

XXXV. The Powers conferred by the Enactment lastly hereinbefore contained in relation to any Lands shall be exercised only within Three Years after the making of any Declaration that the said Lands are required to be kept free from Buildings and other Obstructions, except with respect to pulling down Buildings or Structures wrongfully made or erected after the Expiration of that Time, or keeping or reinstating such Lands in the Condition in which the same were left after the Execution of any such Work thereon as aforesaid, or maintaining or restoring the Level of such Lands.

Subsequent Compensation for Interests omitted to be purchased.

Provision as to Interests omitted to be purchased.

XXXVI. If at any Time after the said Secretary of State has entered upon any Lands vested in him under this Act, any Party appear to be entitled to any Estate, Right, or Interest in or Charge affecting such Lands which through Mistake and Inadvertence has been omitted to be purchased or compensated for the said Secretary of State shall, nevertheless remain in the undisturbed Possession of such Lands, and shall be deemed to have an indefeasible Title thereto, but shall pay Compensation for any such Estate, Right, Interest, or Charge, which but for this Enactment might

might be recovered or enforced, and also pay to such Party, or to any other Party who may establish a Right thereto, full Compensation for the Mesne Profits or Interest which would have accrued to such Parties repectively in respect thereof during the Interval between the Entry of the said Secretary of State thereon and the Time of the Payment of such Compensation by the said Secretary of State so far as such Mesne Profits or Interest may be recoverable at Law or in Equity:

Such Compensation shall be agreed on or awarded and paid in like Manner as the same would have been agreed on or awarded and paid in case the said Secretary of State had purchased or compensated for such Estate, Right, Interest, or Charge before his entering upon such Lands, or as near thereto as Circumstances will admit.

How Value of such Lands to be estimated.

XXXVII. In estimating the Compensation to be given for any such Estate, Right, Interest, or Charge affecting any Lands, or for any Mesne Profits or Interest, the Jury or Justices, as the Case may be, shall assess the same according to the Value of the Lands at the Time the same were entered upon by the said Secretary of State and without regard to any Improvements or Works made by him.

Secretary of State to pay the Costs of Litigation as to such Lands.

XXXVIII. In addition to the said Compensation, the said Secretary of State shall, when the Right to any such Estate, Right, Interest, or Charge has been disputed by him and determined in favour of the Party claiming the same, pay the full Costs and Expenses of any Proceedings at Law or in Equity for the Determination or Recovery of the same to the Parties with whom any such Litigation in respect thereof has taken place, and such Costs and Expenses shall, in case the same be disputed, be settled by the proper Officer of the Court in which such Litigation took place.

Power to Secretary of State to withdraw Notices.

Power to Secretary of State to withdraw Notices.

XXXIX. If in any Case after Service of Notice by the said Secretary of State with respect to any Lands required to be taken or to be kept free from Buildings under this Act, it appear to him from a Change of Circumstances or other Reasons unnecessary or inexpedient to complete the taking of such Lands or any Part thereof, or to require such Lands or any Part thereof to be kept free from Buildings, it shall be lawful for him to give a further Notice to the Effect that he thereby withdraws the Notice given in relation to the Lands comprised in the First Notice, or such Part thereof as he may think fit, and thereupon the Lands comprised in the Notice of Withdrawal shall be wholly discharged from the Effect of the First Notice, and may be dealt with as if the

the First Notice had not been given, and the said Secretary of State shall be wholly discharged from any Obligation to take the Lands comprised in the Notice of Withdrawal, or to make Compensation in respect thereof under this Act, without Prejudice nevertheless to any Claim of any Owner, Lessee, or Occupier of such Lands for Compensation for such Damage (if any) as he may have sustained in consequence of the giving of the First Notice, the Amount of such Damage to be determined in like Manner as other Compensation under this Act, or as near thereto as Circumstances admit:

Provided that every such Notice of Withdrawal be given within Two Months after the Service of the First Notice; provided also, that nothing in this Enactment shall be construed to give to any Party any further or other Right as against the said Secretary of State than he would have had independently of this Enactment, save as herein is expressed.

Power to divert Highways, &c.

Power to divert Highways, &c.

XL. It shall be lawful for the said Secretary of State, without any Writ being issued or other legal Proceeding being adopted, to stop up or divert or alter the Level of any Highway, Way, Sewer, Drain, or Pipe over, through, under, or adjoining any Lands comprised in any such Declaration as aforesaid, he, if necessary, previously making, opening, or laying down another good and sufficient Way, Sewer, Drain, or Pipe in lieu of that stopped up or diverted.

Power to alter the Course of Brooks, &c.

XLI. It shall be lawful for the said Secretary of State to alter the Course and Level of any River not navigable, Brook, Stream, or Watercourse, and any Branch of any navigable River (such Branch not itself being navigable) within or adjoining such Lands, making Compensation for any Damage sustained by reason of the Exercise of such Powers, such Compensation to be determined and paid in like Manner as other Compensation under this Act, or as near thereto as Circumstances admit.

Miscellaneous Provisions.

Compensations to be paid out of Monies provided by Parliament.

XLII. All Monies to become payable by the said Secretary of State under this Act shall be paid out of such Monies as have been or may be provided by Parliament for this Purpose.

Protection to Secretary of State.

XLIII. The said Secretary of State shall not, by reason of anything done or omitted to be done under this Act, be liable to any Fine, Penalty, or Forfeiture, or to Execution of any Process against his Person or Property.

Defence of the Realm.

Provision for enforcing Delivery of Possession.

XLIV. If in any Case in which the said Secretary of State is by this Act authorized to take possession of or to enter upon any Lands any Person refuse to give up Possession thereof, or hinder the said Secretary of State or the Persons authorized by him from taking possession of or entering upon the same, the said Secretary of State may issue his Warrant to the Sheriff of the County in which the Lands are situate to deliver Possession of the same to the Person in this Behalf named in such Warrant, and upon Receipt of such Warrant the said Sheriff shall deliver Possession thereof accordingly.

Notices, &c. required to be served on or given by Secretary of State to be served on or given by the Solicitor.

XLV. Any Notice, Summons, Writ, or other Document required to be served on the said Secretary of State may be served by being delivered to the Solicitor for the War Department for the Time being, or by being left for him thereat; and any Notice, Summons, Writ, or other Document required to be given by or on behalf of the said Secretary of State shall be given under the Hand of such Solicitor.

Amendment of The Defence Act, 1842.

5 & 6 Vict. c. 94. amended as herein stated.

XLVI. And whereas The Defence Act, 1842, has been amended by divers Acts, and it is expedient further to amend the same:

The following Provisions of this Act in relation to Lands to be taken under this Act shall be applicable where Lands are surveyed and marked out under The Defence Act, 1842, as amended as aforesaid; (that is to say,)

The Provisions concerning the Mode of serving Notices on Owners, Lessees, and Occupiers, and of Notices, Writs, or other Documents on the said Secretary of State:

The Provisions concerning the Determination of the Amount of Compensation for Lands otherwise than by Agreement:

The Provisions concerning the Payment and Application of Compensation, and the Disposition of Securities on which the same may be invested, and of the Interest and Dividends of such Compensation and Securities:

And the Provision concerning Interests omitted to be purchased, which last-mentioned Provision shall apply as well with respect to Lands already taken by the said Secretary of State, as with respect to Lands to be hereafter taken by him under the said Defence Act as amended as aforesaid.

Interpretation.

Interpretation of Terms.

XLVII. In the Construction of this Act the Style or Title "Her Majesty's Principal Secretary of State for the War Department" shall mean Her Majesty's Principal Secretary of State for the Time being

being to whom Her Majesty shall think fit to intrust the Seals of the War Department; and the following Words and Expressions shall in this Act and The Defence Act, 1842, have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Word "Lands" shall extend to Messuages, Lands, Tenements, and Hereditaments of any Tenure:

The Word "Lease" shall include an Agreement for a Lease:

The Word "County" shall include any Riding or other like Division of a County, and shall also include County of a City or County of a Town:

The Word "Sheriff" shall include Under Sheriff, or other legally competent Deputy; and where any Matter in relation to any Lands is required to be done by any Sheriff, and the Lands being the Property of One and the same Party, are situate not wholly in One County, the same Expression shall be construed to mean the Sheriff of any County, where any Part of such Lands is situate:

The Word "Justices" and "Justice" shall mean respectively Justices or a Justice of the Peace acting for the County, City, Borough, Liberty, Cinque Port, or Place where the Matter requiring the Cognizance of such Justices or Justice arises, and not interested in the Matter, and where such Matter arises in respect of Lands being the Property of One and the same Party, situate not wholly in One County, City, Borough, Liberty, Cinque Port, or Place, shall mean Justices or a Justice acting for the County, City, Borough, Liberty, Cinque Port, or Place where any Part of such Lands is situate, and not interested in such Matter; and the Expression "Two Justices" shall mean Two Justices assembled and acting together:

The Word "Owner" shall include any Corporation or Person having Authority under this Act or otherwise to agree with the said Secretary of State as to the Purchase Money or Compensation to be paid for any Lands.

XLVIII. The said Act of the Fifth and Sixth Years of Her Majesty may be cited as "The Defence Act, 1842," the said Act of the Eighteenth and Nineteenth Years of Her Majesty may be cited as "The Ordnance Board Transfer Act, 1855," and this Act may be cited as "The Defence Act, 1860."

Short Titles of 5 & 6 Vict. c. 94., 18 & 19 Vict. c. 117., and this Act.

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ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

***

Duties hereafter named to be levied. On Chicory and other Vegetable Matter applicable to the Uses of Chicory or Coffee.

Her Heirs and Successors, the several Duties herein-after mentioned; (that is to say,)

For and upon all Chicory or any other Vegetable Matter applicable to the Uses of Chicory or Coffee grown in the United Kingdom:

For every Hundredweight thereof, raw or kiln-dried, the Duty of Three Shillings until the First Day of *April* One thousand eight hundred and sixty-one, and on and after that Day the Duty of Five Shillings and Sixpence, and so in proportion for any greater or less Quantity than a Hundredweight:

On Licences to Dealers in Sweets or Made Wines.

And for and upon a Licence to be taken out yearly by every Person who shall sell any Kind of Sweets or Made Wines, or Mead or Metheglin, in any Quantity amounting to Two Gallons or upwards, or in One Dozen or more reputed Quart Bottles at One Time, the Duty of Five Pounds and Five Shillings.

Period of Credit for Payment of Excise Duty on Malt reduced.

II. The Time limited by the Act passed in the last Session of Parliament, Chapter Eighteen, for Payment of the Duty of Excise on Malt by every Maker of Malt who shall have given Security by Bond as by Law required in that Behalf, shall in respect of all Malt begun to be made on or after the First Day of *October* One thousand eight hundred and sixty be further limited to Six Weeks in lieu of Twelve Weeks after the making of such Account or Return as in the said Act is mentioned or referred to; and every Bond which shall have been given or entered into for securing the Payment of such Duty according to the Direction of the said Act shall remain and continue in force against the Principal and Sureties who shall have made or entered into the same, as a Security for Payment of the said Duty at or within the Period limited by this Act, unless the said Parties, or some One of them, shall before the said First Day of *October* give Notice to the Commissioners of Inland Revenue of his Desire to withdraw from such Bond, in which Case the Maltster shall not be entitled to any Credit for Payment of the Duty of Excise on any Malt made or begun to be made by him on or after the said last-mentioned Day until he shall have given fresh Security in that Behalf to the Satisfaction of the said Commissioners.

Excise Duty on Hops reduced.

III. And whereas it is expedient to reduce the Duties of Excise now chargeable on Hops: Be it enacted, That in lieu of the Duties of Excise now chargeable on Hops growing or to grow in *Great Britain* there shall be charged on all such Hops the reduced Duty of Fourteen Shillings *per* Hundredweight, and after that Rate for any greater or less Quantity than a Hundredweight.

Duty on Hops when to be payable.

IV. The Duty of Excise which for the Time being is or shall be chargeable on Hops growing or to grow in *Great Britain* shall be payable on the First Day of *March* One thousand eight hundred and sixty-one, and afterwards on the First Day of *January* next after the curing thereof.

V. The

Excise Duties.

V. The Twelfth Section of the Act passed in the Sixth Year of the Reign of King *George* the Fourth, Chapter Eighty-one, which enacts that it shall not be necessary for any Person or Persons to take out an Excise Licence for the Sale of any Foreign Goods or Commodities for the Sale of which in any Manner an Excise Licence is required, whilst such Goods or Commodities shall be and remain in the Warehouse or Warehouses in which the same shall have been deposited, lodged, or secured, according to Law, before Payment of Duty upon the Importation thereof, shall not extend to exempt from Liability to take out an Excise Licence for the Sale of Foreign Wine or Spirits any Person who shall sell at One Time any Quantity less than One hundred Gallons thereof respectively.

Exemption from Licence Duty of Persons dealing in Wine and Spirits in Bond repealed.

VI. The said Duties by this Act granted shall be deemed to be Excise Duties, and shall be under the Care and Management of the Commissioners of Inland Revenue for the Time being, and all Powers, Provisions, and Regulations, Penalties, and Forfeitures contained in or enacted by any Act in force in relation to Excise Duties shall in all Cases not herein expressly provided for, and so far as the same are not superseded by and are consistent with the express Provisions of this Act, be duly observed, applied, and put in execution for charging, collecting, and securing the said Duties hereby granted and otherwise relating thereto, and to the said Licences, as fully and effectually as if the same had been repeated and re-enacted in the Body of this Act with reference to the said Duties hereby granted and the said Licences respectively.

Powers and Provisions of Excise Acts to apply to the Duties granted by this Act.

VII. Every Person who shall sell any Kind of Sweets or Made Wines, or Mead or Metheglin, in any Quantity amounting to Two Gallons or upwards, or in One Dozen or more reputed Quart Bottles at One Time, shall annually take out a Licence in that Behalf under this Act on pain of forfeiting the Sum of Fifty Pounds for any Neglect or Omission to take out such Licence.

Dealers in Sweets or Made Wines to take out Licence annually.

VIII. Every Dryer of Chicory or other such Vegetable Matter as aforesaid, and every Roaster thereof, and every Dealer in the same, shall respectively, before he shall begin to dry or roast any Chicory or other such Vegetable Matter as aforesaid, or to trade or deal in the same, make Entry with the proper Officer of Excise in the Manner directed by the Laws of Excise in that Behalf of his Name and Place of Abode, and of every Building, Warehouse, Storehouse, Shop, Room, or Place, and of every Kiln, Furnace, Cylinder, Machine, or Utensil intended to be made use of by such Dryer, Roaster, and Dealer respectively for the drying, roasting, keeping, or storing of Chicory or other such Vegetable Matter as aforesaid, or the preparing of the same for drying or roasting; and no Person other than a Dryer of Chicory or other such Vegetable Matter as aforesaid, or a Roaster thereof, or a Dealer

Dryers and Roasters of Chicory, &c. and Dealers therein to make Entry of their Premises.

No Person other than a Dryer or Roaster who has made Entry shall have dried Chicory, &c. in his Possession.

Dealer therein, who shall respectively have made due Entry of his Premises in manner aforesaid, shall have in his Possession any dried Chicory or other such Vegetable Matter as aforesaid, exceeding Fourteen Pounds in Weight; and if any such Article shall be found in the Possession of any Person not being such Dryer or Roaster or Dealer as aforesaid, the same shall be forfeited, and the Person so having the same in his Possession shall forfeit the Sum of One hundred Pounds.

Dryer to provide Warehouse for storing dried Chicory, &c.

IX. Every Dryer of Chicory or other such Vegetable Matter as aforesaid shall, before he shall begin to dry any such Article, provide a proper and secure Warehouse with proper Fastenings at the Premises where his drying Kiln shall be situate, to be approved of by the Commissioners of Inland Revenue, for the Purpose of depositing and securing therein the Chicory or other Vegetable Matter which shall be dried by him, and such Warehouse shall be locked by the proper Officer of Excise.

Dryer to give Notice of his Intention to dry Chicory, &c.

X. No Person shall begin to dry any Chicory or other such Vegetable Matter as aforesaid in or upon any Kiln or other Utensil or Place used by him for drying any such Article without having previously given Six Hours Notice to the Officer of Excise under whose Survey he shall be of the particular Day and Hour when he shall intend to begin such drying, upon pain of forfeiting the Sum of Fifty Pounds for every Omission to give such Notice; and all Chicory or other Vegetable Matter which shall be found drying upon the Premises of any such Dryer without such Notice as aforesaid shall also be forfeited.

Dryer to give Six Hours Notice of his Intention to remove Chicory, &c. from Kiln.

Officer to attend, and Chicory, &c. to be weighed and removed into Warehouse in his Presence.

Penalty on Dryer not removing Chicory, &c. pursuant to his Notice.

XI. Every Dryer of Chicory or other such Vegetable Matter as aforesaid shall give Six Hours Notice in Writing to the Officer of Excise under whose Survey he shall be of the Day and particular Hour of the Day when he shall intend to remove any such Article as aforesaid off the Kiln, or from or out of any Utensil in or upon which the same shall have been placed to dry; and such Officer shall attend according to such Notice, and thereupon all such Chicory or other Vegetable Matter shall be weighed by the said Dryer, or his Servant or Workman, in the Presence of such Officer, who shall take an Account thereof, and the same shall then forthwith be removed, also in the Presence of the Officer, into the Warehouse to be provided by the said Dryer in pursuance of this Act for that Purpose, and shall be there deposited and locked up and secured under such Regulations as the Commissioners of Inland Revenue may make in that Behalf; and if any such Dryer shall neglect or omit to begin to weigh such Chicory or other Vegetable Matter for the Space of One Hour after the Officer shall have attended in pursuance of such Notice as aforesaid, the Chicory or other Vegetable Matter shall not be

be removed from such Kiln or Utensil without a fresh Notice of Six Hours, to be given as aforesaid, and if the Dryer shall not cause the whole of such Chicory or other Vegetable Matter to be duly weighed and removed and deposited in such Warehouse as aforesaid within the Space of Two Hours after the Commencement of the Weighing thereof, he shall forfeit the Sum of Fifty Pounds.

XII. No Dryer of Chicory or other such Vegetable Matter as aforesaid shall keep or have any such Article as aforesaid in a dried State in any Part or Place of or in his Premises other than the Warehouse to be provided and approved as aforesaid for the Deposit and Security thereof, except such Chicory or other Vegetable Matter as shall be on or in the Kiln or Utensil where the same shall have been dried or roasted, and except also such Chicory or other Vegetable Matter as shall be in the Act of Removal from such Kiln or Utensil, or to or from such Warehouse, under the Superintendence of such Officer as herein provided in that Behalf; and any dried Chicory or other such Vegetable Matter as aforesaid which shall be found in any Part or Place of or in the Premises of any such Dryer other than such Warehouse as aforesaid, except as aforesaid, shall be forfeited, and such Dryer shall forfeit the Sum of Two hundred Pounds.

Dryer not to have any dried Chicory, &c. on his Premises elsewhere than in the Warehouse or in the Kiln, on pain of Forfeiture.

XIII. No Chicory or other such Vegetable Matter as aforesaid which shall be deposited in the Warehouse of any Dryer thereof shall be removed from such Warehouse except in the Presence and under the Authority of the proper Officer of Excise, to whom such Dryer shall give Four Hours previous Notice in Writing, specifying the particular Day and Hour when he shall intend to send out from the Warehouse any such Article as aforesaid, and upon the Receipt of such Notice the Officer shall attend at the Time appointed therein, and shall allow the Quantity of the Article specified in such Notice to be in his Presence weighed and delivered out of the Warehouse, according to the Tenor and Effect of such Notice, and the Officer shall enter in his Survey Book an Account thereof as a Charge against the said Dryer: Provided always, that no Quantity less than One Hundredweight of Chicory or other Vegetable Matter shall at any Time be delivered out of any such Warehouse; and provided also, that no such Warehouse as aforesaid shall be opened for delivering out any such Article as aforesaid at any Time between the Hours of Six o'Clock in the Evening and Six o'Clock in the Morning.

Chicory, &c. not to be sent out of Warehouse unless in Presence of an Officer.

Not less than 100 cwt. to be delivered out.

Warehouse not to be opened for Delivery between 6 p.m. and 6 a.m.

XIV. The proper Officer of Excise shall enter and keep in a Book a Stock Account of all Chicory or other such Vegetable Matter as aforesaid which shall be received into the Warehouse of any Dryer thereof, and of the Quantity thereof which shall from Time to Time be delivered out of such Warehouse, and it shall be lawful for any Officer

Officer to keep a Stock Account of Chicory, &c. received into and delivered out of the

Warehouse, and if there be any Deficiency, Dryer to be charged with the Duty thereon and liable to Penalty.

Officer of Excise at any Time, and from Time to Time whenever he shall think fit, to weigh and take an Account of all Chicory or other such Vegetable Matter as aforesaid which shall then remain in such Warehouse, and the said Dryer is hereby required, with his Servants and Workmen, to give all necessary Aid and Assistance to the Officer of Excise in the weighing and taking such Account thereof; and if upon any such weighing and taking of Account it shall be found that the Quantity of Chicory or other such Vegetable Matter as aforesaid which shall then be in such Warehouse is less than the Quantity which ought to remain therein, according to the Balance of the Entries contained in the Stock Account kept by the Officer as before directed, such Dryer shall be deemed to have removed the Quantity which shall be so found to be the Deficiency in the Stock, without the Duty having been charged thereon, and thereupon the Officer shall enter in his Book the Amount of the Duty upon such Deficiency as a Charge against the Dryer, and such Dryer shall forfeit the Sum of Two hundred Pounds: Provided always, that the said Penalty shall not be deemed to be incurred if the Amount of such Deficiency of Stock shall not exceed Two *per Centum* on the whole Quantity of Chicory or other Vegetable Matter which shall have been received into such Warehouse since the last preceding taking and balancing of the Stock, in addition to the Quantity then remaining therein, or if there shall have been no former taking and balancing of Stock, then on the whole Quantity which shall have been at any Time and from Time to Time received into such Warehouse.

No Penalty incurred unless the Deficiency of Stock exceed 2 per Cent.

Officer of Excise shall make periodical Returns of the Duty charged on Dryers of Chicory, &c.

XV. Every Officer of Excise under whose Survey any Dryer of Chicory or other such Vegetable Matter as aforesaid shall be, or any other Officer who shall be appointed so to do, shall at the Expiration of every Six Weeks, or at such other Times as the Commissioners of Inland Revenue shall direct, make out and deliver to the said Commissioners an Account or Return in Writing of the Quantity of Chicory or other such Vegetable Matter as aforesaid dried by such Dryer, and sent out or delivered from his Premises, and for which he shall have become chargeable with Duty in the preceding Six Weeks or other Period, and of the Duty payable thereon, and shall also leave a Copy of such Account or Return with such Dryer; and the Account or Return of such Officer shall be a Charge on such Dryer, and he shall pay to the proper Collector and clear off the Duty appearing by such Account or Return to have become due at such Time as the said Commissioners shall appoint, or on Demand thereof at any Time made by or under the Authority of such Collector, or in default thereof such Dryer shall forfeit double the Amount of such Duty.

When and to whom Duty to be paid.

Dryer of Chicory, &c. to provide

XVI. Every Dryer of Chicory or other Vegetable Matter shall provide and keep on his entered Premises, and in such proper and convenient

convenient Place therein as the Supervisor of Excise shall approve, just and sufficient Scales and Weights, properly adapted for the weighing of Chicory and other such Vegetable Matter as aforesaid; and every such Dryer shall permit and suffer any Officer of Excise to use the said Scales and Weights for the Purpose of weighing or re-weighing and taking an Account of Chicory or other Vegetable Matter which shall at any Time be in the Possession of such Dryer, and such Dryer, with his Servants and Workmen, shall, whenever thereto required, aid and assist the Officer in such weighing and re-weighing and taking Account of any such Article as aforesaid; and every such Dryer who shall neglect to provide and keep such Scales and Weights in such Place as aforesaid, or who or whose Servant shall refuse to permit and suffer any Officer of Excise to use the same, or who or whose Servant shall refuse or neglect, whenever thereto required, to aid and assist any such Officer in weighing or re-weighing and taking an Account of any such Article as aforesaid, shall forfeit the Sum of One hundred Pounds.

Scales and Weights, and assist the Officers of Excise in using the same.

XVII. No Dryer of Chicory or other such Vegetable Matter as aforesaid shall have in his Possession any dried Chicory or other such Vegetable Matter as aforesaid, other than such as shall have been dried on his own Kiln, or lawfully received into his Warehouse under the Provisions of this Act; and if any such Article as aforesaid which shall not have been dried on his own Kiln, or lawfully received as aforesaid, shall be found on the Premises of any such Dryer or otherwise in his Possession, such Article shall be forfeited, and he shall forfeit also the Sum of One hundred Pounds.

No Dryer to have in possession dried Chicory, &c. other than such as shall have been dried on his own Kiln.

XVIII. No Dryer of Chicory or other such Vegetable Matter as aforesaid shall carry on the Business of a Roaster of Chicory or other Vegetable Matter or of Coffee, or shall roast any Chicory or other Vegetable Matter or Coffee, or have any Quantity exceeding Six Pounds in Weight of roasted Chicory or other Vegetable Matter or Coffee in or upon the same Premises whereon he shall carry on the Business of such Dryer, or in or upon any Premises having any Communication, Opening, or Way internally, or through any inclosed or private Yard, with or into the Premises whereon he shall carry on the Business of a Dryer of Chicory or other Vegetable Matter, nor shall any Person carry on the Business of a Dryer of Chicory or other Vegetable Matter in or upon any Premises having any such Communication as aforesaid with or into any Premises whereon any Person shall carry on the Business of a Roaster of Chicory or other Vegetable Matter, or a Roaster of Coffee, on pain of forfeiting for every such Offence, in the several Cases aforesaid, the Sum of One hundred Pounds: Provided always, that where before the First Day of *June* One thousand eight hundred and sixty the respective Businesses of a Dryer and Roaster of Chicory or other Vegetable Matter shall

Businesses of a Dryer of Chicory, &c. and a Roaster thereof, or of Coffee, not to be carried on on the same or on adjoining and communicating Premises.

shall have been carried on by the same or different Persons on the same Premises, or on Premises adjoining and communicating, and such Persons shall be desirous of continuing to carry on such Businesses respectively on such Premises, it shall be lawful for the Commissioners of Inland Revenue, if they shall think fit, to grant by Order in Writing their special Licence to such Person or Persons to continue such Use of such Premises for such Time and upon such Terms and Conditions as the said Commissioners may think fit.

Certain Acts may be lawfully done by Dryers and Roasters of Chicory under the Regulations of the Commissioners.

XIX. Provided always, That, under and subject to such Rules and Regulations, Restrictions and Conditions, as the Commissioners of Inland Revenue shall think proper, and shall make in that Behalf, the following Acts and Proceedings may be lawfully done, and shall have the Effect herein-after mentioned; (that is to say,)

1. Any Dryer of Chicory or other such Vegetable Matter as aforesaid may remove and send out from his Warehouse any dried Chicory or other such Vegetable Matter to the entered Warehouse and Stock of any other such Dryer without Payment or Charge of the Duty thereon, and the Person to whose Warehouse the same shall be removed shall, upon receiving the same, be answerable and accountable for the Duty chargeable thereon, and shall be charged with such Duty when and as the said Chicory or other Vegetable Matter shall be sent out or removed from his Warehouse, in like Manner as if he had been the Dryer thereof:
2. Any Dryer or Roaster of Chicory or other such Vegetable Matter as aforesaid may receive into and have in his Possession Foreign dried Chicory or other such Vegetable Matter as aforesaid which shall have been duly imported into the United Kingdom, and on which the Duties of Customs shall have been duly paid on the Importation thereof; but if any Question shall arise whether any Chicory or other Vegetable Matter is Foreign, or whether the said Duties of Customs have been so paid thereon as aforesaid, Proof of the Affirmative of such Question shall lie upon the Person in whose Possession such Chicory or other Vegetable Matter shall be found:
3. Any Dryer of Chicory or other such Vegetable Matter as aforesaid may remove from the Kiln or Utensil on or in which the same may be drying any Chicory or other such Vegetable Matter, before the drying thereof is completed, into a Warehouse to be provided by such Dryer, and approved by the said Commissioners, specially for the Purpose of depositing and securing therein such partially dried Chicory or other such Vegetable Matter as aforesaid, and afterwards to return the same to such Kiln or Utensil to complete the drying thereof.

XX. Every

XX. Every Dryer of Chicory or other such Vegetable Matter as aforesaid shall provide and maintain sufficient and proper Accommodation on the entered Premises of such Dryer, to the Satisfaction of the said Commissioners, for the Officers of Excise attending the drying of such Chicory or other Vegetable Matter.

Dryers of Chicory to provide Accommodation for the Officers of Excise.

XXI. Wherever the following Terms and Expressions, or any of them, occur in this Act, they shall be construed respectively in the Manner herein-after directed; (that is to say,) "Sweets or Made Wines" shall be construed to mean any Liquor made by Fermentation from Fruit and Sugar, or from Fruit or Sugar mixed with any other Material, and commonly called Sweets or Made Wines; "Dried Chicory" shall be construed to mean Chicory which shall have been kiln-dried, or dried by any other Means whatever, and not completely roasted to a State fit for grinding to Powder; "Roasted Chicory" shall be construed to mean Chicory which shall have been completely roasted to such State as last mentioned, whether the same shall have been ground or reduced to Powder or not; "Dryer of Chicory" shall be construed to mean and include any Person who shall kiln-dry, or dry by any other Means, any Chicory or other such Vegetable Matter as aforesaid; "Roaster of Chicory" shall be construed to mean and include any Person who shall carry on or continue the Process of drying Chicory or other Vegetable Matter to a State in which it shall be fit for grinding to Powder.

Construction of Terms used in this Act in relation to Sweets or Made Wines and Chicory.

XXII. No Maltster shall begin to wet or steep any Corn or Grain to be made into Malt at any other Time than between the Hours of Seven o'Clock in the Morning and Five o'Clock in the Afternoon, and if the Time specified in the Notice of Intention to wet or steep be later than Three o'Clock in the Afternoon, the Corn or Grain shall be covered with Water within One Hour from the Time so specified.

Maltster to begin to steep only between 7 o'Clock a.m. and 5 o'Clock p.m.

XXIII. All Corn and Grain which shall be wetted to be made into Malt shall be removed directly from the Cistern into the Couch Frame, and shall be laid flat and level therein by the Maltster, and of no greater Depth in any such Couch Frame than Thirty Inches in any Part thereof except where by any Act now in force a greater Depth is expressly allowed, and such Corn or Grain shall be kept and continued so laid in the Couch Frame for the Space of Twenty Hours at the least from the Time of being removed from the Cistern: Provided always, that all such Corn or Grain shall for the Purpose of being gauged and charged with Duty be deemed to be in Couch for the Space of Twenty-four Hours from the Time of its Removal from the Cistern, and shall be gauged and taken Account of by the Officer as in Couch during the said Space of Twenty-four Hours although such Corn or Grain may have been removed from the Couch Frame,

Removal of Grain from Cistern to Couch Frame, and Time of remaining therein.

Frame, unless the same shall have been previously gauged by the Officer.

All Cisterns in Malt-houses having any internal Communication to be emptied on the same Day.

XXIV. And if in any Building, or in any Two or more Buildings having any internal Communication between them, there shall be more than One Cistern used at the same Time for wetting or steeping Corn or Grain, all such Cisterns shall be emptied of the Corn or Grain therein during the Hours prescribed and limited in that Behalf in One and the same Day; provided that where the Corn or Grain in Two or more of such Cisterns is emptied into One Couch Frame, it shall be taken Account of by the Officer therein, and thenceforth as One and the same wetting or steeping, and the emptying of the last of such Cisterns shall be finished within the Space of Three Hours from the Time of beginning to empty the first of such Cisterns.

When Grain making into Malt may be sprinkled.

XXV. It shall not be lawful for any Maltster to water or sprinkle any Corn or Grain making into Malt before the Expiration of Two hundred and eighty-eight Hours after the same shall have been taken out of the Cistern, unless the same shall have been kept covered with Water in the Cistern for the full Space of Fifty Hours from the Time of such Corn or Grain being first wetted or steeped, in which Case it shall be lawful to water or sprinkle such Corn or Grain at the Expiration of Ninety-six Hours after the same shall have been taken out of the Cistern, upon the Maltster giving to the Officer Twenty-four Hours previous Notice in Writing of his Intention to do so.

Commissioners to make Regulations with respect to Corn or Grain making into Malt for the Distillation of Spirits.

XXVI. In respect of all Corn and Grain which shall be making into Malt in any Malthouse used for the Purpose of making Duty-free Malt for the Distillation of Spirits, it shall be lawful for the Commissioners of Inland Revenue to make Rules and Regulations as to the Period of Time during which any particular Denomination of Corn or Grain shall be kept covered with Water in the Cistern, and also the Time that it shall remain in the Couch Frame; and also to fix and determine the Rate of Allowance to be made upon the Gauges of such Corn and Grain during the Time that it shall be in the Cistern and Couch Frame respectively, or whilst the same is by Law to be deemed and gauged as in Couch; and in default of Compliance with any such Rule or Regulation the full Duty of Excise on Malt shall be charged on the Corn or Grain with respect to which such Default shall be made, as in the Case of Barley Malt, and the Malt made from such Corn or Grain shall be used in the Distillation of Spirits only.

Drawback allowed on Exportation

XXVII. Upon the Exportation by any licensed Maltster of Malt upon which the full Duties of Excise have been charged, and which shall be exported

exported to Foreign Parts as Merchandise, under the Provisions of this Act, the Maltster shall be entitled to be paid the Drawback or Allowance of the Duty of Excise in respect of such Malt in the Manner herein-after mentioned.

of Duty-charged Malt.

XXVIII. The Exportation of Malt, and the Payment of the Drawback or Allowance of Duty thereon, shall be made under and subject to such Rules, Regulations, and Securities (by Bond or otherwise) as the Commissioners of Inland Revenue may from Time to Time make and require respectively in that Behalf, and under and subject also to the following Conditions; (that is to say,)

Exportation to be made under such Rules and Regulations as the Commissioners of Inland Revenue may make, and under the Conditions specified in this Clause.

1. The Malt shall be made from Barley, and shall not be blown, roasted, ground, or crushed; and it shall be in the entered Malthouse in which it shall have been made, and the full Duties of Excise shall have been charged thereon:
2. The Malt shall be thoroughly screened and cleansed from all Commings and Dust, and from all extraneous Matter whatever, to the Satisfaction of the Officer of Excise who shall attend the packing of the same:
3. The Malt, after having been so screened and cleansed, shall not be of less Weight than Thirty-nine Pounds, nor of greater Weight than Forty-two Pounds Avoirdupois *per* Bushel:
4. The Maltster shall give Twenty-four Hours Notice of his Intention to export Malt to the Officer of Excise in whose Survey the Malthouse shall be situated, stating the Quantity of Malt intended to be exported, the particular Day and Hour at which the same is to be packed, and the Name of the Port from which it is to be exported:
5. The Malt shall be packed only between the Hours of Six o'Clock in the Morning and Six o'Clock in the Afternoon, and in the Presence of the proper Officer of Excise, and shall be measured with a Bushel Measure into secure Barrels, Boxes, or Bags, each containing not less than Four Bushels, and such Barrels, Boxes, and Bags shall be fastened and secured to the Satisfaction of such Officer.

XXIX. Every Maltster who shall export any Malt under the Provisions of this Act shall provide for Use at the Malthouse from which such Malt shall be exported, and also on board the Vessel in which such Malt is shipped, a Bushel Measure of the legal Standard, with just and sufficient Scales and Weights properly adapted for the weighing of Malt, and shall allow any Officer of Excise or Customs to use the same in the measuring and weighing of Malt respectively; and such Maltster shall provide such Officers with proper and sufficient Assistance to enable them to measure and weigh such Malt.

Maltster to provide Measures and Scales and Weights, and Assistance in measuring and weighing.

XXX. The

Debenture to be given to Exporter One Month after Exportation.

In calculating Quantity of Malt 7½ per Cent. to be deducted.

XXX. The proper Officer of Excise at the Port at which such Malt shall be shipped for Exportation shall, at the Expiration of One Month after the Exportation thereof, give to the Exporter, or to his authorized Clerk or Agent, a Certificate or Debenture expressing the Quantity of Malt so shipped, and the Amount of the Drawback payable thereon; provided that in calculating the Quantity of Malt upon which such Drawback is to be paid a Deduction shall first be made therefrom at the Rate of Seven and a Half *per Centum* upon the Quantity which shall have been ascertained by Measure in the Manner herein directed; and provided also, that where the Malt shall have been exported to the Islands of *Guernsey*, *Jersey*, *Alderney*, or *Sark*, or to the *Isle of Man*, the Drawback shall not be paid without the Production of a Certificate from the proper Officer of Customs that such Malt has been landed in the Island to which it has been exported.

Malt exported not to contain unmalted Grain.

XXXI. If any Malt packed or produced for Exportation shall have mixed therewith any raw or unmalted Corn or Grain, the Maltster shall, over and above any other Penalty to which he may be subject, forfeit the Sum of Two hundred Pounds, and all such Malt and Corn, or Grain mixed therewith, and also the Package in which the same may be contained, shall be forfeited.

Provisions of former Acts relating to the Exportation of Exciseable Commodities to apply to this Act.

XXXII. The Drawback or Allowance upon Malt exported under the Provisions of this Act shall be paid by the Commissioners of Inland Revenue; and the Provisions of all Acts in force regulating or relating to the Exportation of any Exciseable Commodities on Drawback, and all Fines, Forfeitures, Pains, and Penalties imposed by the said Acts, shall and are hereby directed and declared (except as altered by this Act) to extend to, and shall be respectively applied, practised, and put in execution for and in respect of the Drawback or Allowance upon Malt hereby granted, upon the Exportation thereof, in as full and ample a Manner to all Intents and Purposes as if the said several Provisions, Fines, Forfeitures, Pains, and Penalties were particularly repeated and re-enacted in the Body of this Act with reference to the said Drawback or Allowance hereby granted.

Penalty for Breach of the Provisions of this Act.

XXXIII. For any Act, Neglect, or Omission contrary in any respect to any Prohibition, Regulation, or Direction contained in or authorized by any of the Clauses of this Act in relation to the making or Exportation of Malt, or to the drying or roasting of Chicory or other Vegetable Matter, and for which no Penalty is expressly provided by this Act, the Maltster or the Dryer or Roaster of

of Chicory, as the Case may be, shall forfeit the Sum of One hundred Pounds; and all Malt which shall be packed, produced, or shipped for Exportation contrary to the Provisions, Regulations, or Directions contained in or authorized by this Act shall be forfeited, with the Packages containing the same.

Provisions of Acts herein named relating to Duties of Excise on Malt repealed.

XXXIV. From and after the Commencement of this Act, the several enumerated Clauses of the respective Acts herein-after specified relating to the Duties of Excise on Malt shall be and the same are hereby repealed; (that is to say,) the Twenty-first, Twenty-ninth, Thirty-second, and Thirty-fifth Sections of the Act passed in the Seventh and Eighth Years of King *George* the Fourth, Chapter Fifty-two; the Sixteenth Section of the Act passed in the Eleventh Year of the same King, Chapter Seventeen; and the Seventh Section of the Act passed in the First Year of Her Majesty's Reign, Chapter Forty-nine, except as to any Proceedings now pending to which the same or any of them are applicable.

Charging of Excise Duty on Sugar used in brewing deferred until 1st April 1861.

XXXV. And whereas by an Act passed in the Nineteenth and Twentieth Years of Her Majesty's Reign, Chapter Thirty-four, a Duty of Excise was imposed on Sugar used in the brewing or making of Beer, and by an Act passed in the Twenty-first Year of Her Majesty's Reign, Chapter Fifteen, the charging of the said Duty was deferred until the First Day of *April* One thousand eight hundred and sixty, and it is expedient to further defer the same: Be it enacted, That the charging of the said Duty of Excise on Sugar used as aforesaid shall be further deferred until the First Day of *July* One thousand eight hundred and sixty-one.

Penalty on Persons selling Beer not brewed by them in wholesale Quantities, without a Licence as Dealers, as specified in 6 G. 4. c. 81.

XXXVI. And whereas by the Act passed in the Sixth Year of King *George* the Fourth, Chapter Eighty-one, a Licence is required to be taken out by every Person, not being a Brewer of Beer, who shall sell strong Beer only in Casks containing not less than Four Gallons and a Half, or in not less than Two Dozen reputed Quart Bottles at One Time, to be drank or consumed elsewhere than on his Premises, and by the Twenty-sixth Section of the same Act a Penalty of One hundred Pounds is imposed upon every such Person who shall sell Beer in manner aforesaid without taking out such Licence as aforesaid: Be it enacted, That every Person not having taken out such Licence as aforesaid who shall sell Beer in any such Quantity as aforesaid, such Beer not having been brewed by himself, shall be subject and liable to the said Penalty, and in any Information or other Proceeding for the Recovery of the same it shall not be necessary to negative that the Defendant was a Brewer of Beer, and on the Trial or Hearing of any such Information or Proceeding Proof that the

Beer was brewed by the Defendant shall lie upon himself by way of Defence: Provided always, that nothing herein contained shall extend to the Sale of Beer by any Person licensed by the Justices of the Peace to keep an Alehouse or Victualling House, and having also taken out the proper Excise Licence in that Behalf.

Persons retailing Beer at Places not specified in a Licence to be deemed to retail Beer without a Licence, and to be liable to Penalty accordingly.

XXXVII. And whereas Doubts have arisen whether Persons licensed to sell Beer by Retail are liable to any Penalty for or on account of selling Beer at any other Place than the House or Premises specified in the Licence granted to them in that Behalf: Be it enacted, That if any Person whatever shall sell Beer by Retail, that is to say, in any Quantity less than Four and a Half Gallons, or in less than Two Dozen reputed Quart Bottles, at One Time, at any other House or Place than the House or Premises specified in a Licence duly granted to him in that Behalf, he shall be deemed to sell Beer by Retail without having an Excise Retail Licence in force authorizing him so to do, and shall accordingly be subject and liable to the Penalty of Twenty Pounds for every such Offence, anything in any former Act or Acts to the contrary notwithstanding; and in any Information or other Proceeding for the Recovery of such Penalty it shall be sufficient to charge that he sold Beer by Retail without having an Excise Licence in force authorizing him so to do, and it shall not be necessary further or otherwise to describe such Offence.

On the Death of a Person licensed to keep a Hackney Carriage the Licence may be transferred to the Widow or Child, and also to the Husband of a Woman licensed before Marriage.

XXXVIII. Whenever any Person to whom a Licence to keep and let to Hire a Hackney Carriage under the Act passed in the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, Chapter One hundred and twenty-seven, shall have been granted shall die during the Existence of such Licence, and shall leave a Widow or a Child of full Age, and also whenever any Woman to whom any such Licence shall have been granted shall marry during the Existence of such Licence, and such surviving Widow, or the said Child, or the Husband of such Woman, shall continue and carry on the Business of such deceased Person or of such Woman respectively, it shall be lawful for the Officers empowered to grant Licences, upon the Application of any such Widow, or Child, or Husband, as the Case may be, (and in the Case of such deceased Person with the Consent of his or her Executor or Administrator,) to transfer by Indorsement, or otherwise as the Commissioners of Inland Revenue shall direct, the said Licence to such Widow, Child, or Husband respectively for the Remainder of the Term for which the same shall have been originally granted, and thereupon such Widow, Child, or Husband respectively shall become chargeable with the Duty payable by Law upon or in respect of the Hackney Carriage mentioned in the said Licence, and shall also be liable to all the Provisions, Regulations, and Penalties contained

contained in any Act in force relating to Hackney Carriages, in the same Manner as if such Widow, Child, or Husband were the Person to whom such Licence had been originally granted.

Persons taken before a Justice charged with an Offence against Laws of Inland Revenue may be remanded or admitted to Bail.

XXXIX. When any Person shall be arrested and detained under any Act relating to the Inland Revenue charged with any Offence for which he may be liable to Conviction on immediate Arrest, it shall be lawful for the Justice before whom such Person shall be taken, in his Discretion, from Time to Time to remand the Person accused for further Examination for such Time as the said Justice shall deem reasonable (not exceeding Eight clear Days) to the Common Gaol or House of Correction or other Place of Security in the County, Riding, Division, Liberty, City, Borough, or Place for which such Justice shall then be acting, or such Justice may in his Discretion, instead of detaining the accused Person in Custody during the Period for which he shall be remanded, discharge him upon his entering into a Recognizance, with or without a Surety or Sureties, at the Discretion of such Justice, conditioned for his Appearance at the Time and Place appointed for the Continuance of such Examination; and if such accused Person shall not afterwards appear at the Time and Place mentioned in such Recognizance, the said Justice, or any other Justice who may then and there be present, shall certify on the Back of the Recognizance the Non-appearance of such accused Person, and shall transmit such Recognizance to the Clerk of the Peace of the County, Riding, Division, Liberty, City, Borough, or Place within which such Recognizance shall have been taken, to be proceeded upon in like Manner as other Recognizances forfeited at Quarter Sessions may now by Law be enforced, and such Certificate shall be deemed sufficient *primâ facie* Evidence of such Nonappearance of the said accused Person.

Chief Accountants of Inland Revenue may be appointed in lieu of an Accountant and Comptroller General.

XL. And whereas by an Act passed in the Twelfth Year of Her Majesty's Reign, Chapter One, the Two several Offices of Accountant General of Excise and Accountant and Comptroller General of Stamps and Taxes were consolidated into One Office of Accountant and Comptroller General of the said respective Duties; and it was enacted, that the Person holding or appointed to such Office should be termed "The Accountant and Comptroller General of Inland Revenue:" And whereas it is expedient that in lieu of the said last-mentioned Officer the Commissioners of Inland Revenue should be authorized to appoint Two or more Persons to be Chief Accountants of the Revenue under their Care and Management: Be it enacted, That in the Place and Stead of the said Accountant and Comptroller General of Inland Revenue it shall be lawful for the said Commissioners of Inland Revenue, with the Consent and Approbation of the Commissioners

missioners of Her Majesty's Treasury, if they shall think fit, from Time to Time, to appoint Two or more Persons to be Chief Accountants of the Inland Revenue, and such Chief Accountants, or any Two of them with respect to the several Branches of the Inland Revenue, and any One of the said Chief Accountants with respect to any Branch thereof with which he may be specially charged, shall have, use, and exercise all such Powers and Authorities, and perform all such Functions, as are now given to or vested in or to be performed by the Accountant and Comptroller General of Inland Revenue under or by virtue of any Act or Acts of Parliament, or otherwise howsoever.

The Word "Finsbury" deemed to be inserted in Sect. 27. of c. 27. of this Session.

XLI. And whereas an Act was passed in the present Session of Parliament, Chapter Twenty-seven, intituled *An Act for granting to Her Majesty certain Duties on Wine Licences and Refreshment Houses, and for regulating the licensing of Refreshment Houses, and the granting of Wine Licences*, and through Inadvertence the Borough of *Finsbury* was omitted to be mentioned in the Twenty-seventh Section of the same Act: For Remedy whereof be it enacted, That the Word "*Finsbury*" shall be deemed to be inserted immediately after the Word "*Marylebone*" in the said Twenty-seventh Section, and the said Act shall be read and construed and shall operate and have effect in all respects as if the said Word "*Finsbury*" had been originally so inserted as aforesaid.

Penalty imposed in Sect. 9. of c. 27. of this Session to be deemed an Excise Penalty.

XLII. And whereas by Section IX. of the last-mentioned Act a Penalty of Twenty Pounds is imposed upon every Person who shall keep a Refreshment House for which a Licence is required, without taking out and having in force a proper Licence in that Behalf: Be it enacted, That the said Penalty shall be denominated an Excise Penalty, and shall be recovered, levied, mitigated, and applied in the Manner directed by the Forty-third Section of the same Act with regard to Penalties so denominated.

A Game Certificate not required for killing Rabbits in Ireland.

XLIII. And for the Amendment of an Act of the present Session of Parliament to repeal the Duties on Game Certificates and Certificates to deal in Game, and to impose in lieu thereof Duties on Excise Licences and Certificates for the like Purposes: Be it enacted, That, notwithstanding anything in the said Act contained, no Person shall be required to take out any Licence or Certificate to authorize the taking or killing of Rabbits in *Ireland*.

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Spirits Act.

23 & 24 Vict. Cap. 114.

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CLAUSES.

	Acts on which the Clauses are founded.
1. Construction of Terms.	
2. Persons having Wash fit for distilling and a Still deemed to be Distillers - -	6 G. 4. c. 80. s. 11.
Licences to Distillers, Rectifiers, and Compounders.	
3. No Person to keep or use a Still for distilling Spirits or make Wort or Wash without a Licence for that Purpose - - -	4 G. 4. c. 94. s. 7. 6 G. 4. c. 80. ss. 6. 7.
4. The Licences, Entries, Notices, Declarations, &c. required by this Act may be in such Form as the Commissioners shall direct. Notices and Declarations not invalidated for Want of Form - - - -	4 G. 4. c. 94. ss. 115. 128. 6 G. 4. c. 80. s. 80.
5. Licence for Premises mentioned therein only - - - - - -	4 G. 4. c. 94. s. 7. 6 G. 4. c. 80. s. 6.
6. Distillery to be within a Quarter of a Mile of a Market Town, or Distiller to provide Lodgings for Officers - - -	4 G. 4. c. 94. s. 14. 6 G. 4. c. 80. s. 9.
7. No Distiller in England to keep a Still of less Content than 400 Gallons, or use more than Two Wash Stills and Two Low Wines Stills with any Still of less Content than 3,000 Gallons - - - - -	6 G. 4. c. 80. s. 10.
8. No Person to keep a Still of less Content than herein specified - - -	4 G. 4. c. 94. s. 9.
9. No Licence to be granted for any Still of less Content than 400 Gallons without a Certificate of Three Justices of the Fitness of the Person to be licensed - - -	4 G. 4. c. 94. s. 10.
10. Persons licensed to keep a Still of 400 Gallons Content may keep a smaller Still without Certificate. Commissioners may refuse Licences for Stills under 400 Gallons Content - - - - -	4 G. 4. c. 94. ss. 11, 12.
11. Commissioners may refuse to license Stills in Situations near Rectifiers or Brewers, and may also refuse to grant Licences to Rectifiers, Brewers, &c. near Distilleries - -	4 G. 4. c. 94. s. 13.
12. Commissioners may revoke the Licence of any Distiller convicted of obstructing Officers -	4 G. 4. c. 94. s. 15.

Description and Construction of Spirit Stores, Vessels, and Utensils to be provided.

	Acts on which the Clauses are founded.
13. A proper Spirit Store to be provided in every Distillery - - - -	16 & 17 Vict. c. 37. s. 9.
14. After obtaining Licence, and before making Entry of Utensils, Distiller to erect certain Chargers and Receivers. Number of Chargers and Receivers allowed - -	4 G. 4. c. 94. ss. 18, 19. 6 G. 4. c. 80. ss. 13, 14.
15. Description of Vessels and Utensils, Wash Charger, Low Wines Receiver, Feints Receiver, Low Wines and Feints Charger, Spirit Receiver; Chargers and Receivers, how to be erected; Dipping Rods to be fixed therein; Description of Spent Lees Receiver; Intermediate Still Charger; Penalty for constructing Chargers or Receivers contrary hereto - - -	4 G. 4. c. 94. s. 20. 6 G. 4. c. 80. s. 15.
16. General Directions as to the Mode and Course in which Wash, Low Wines, Feints, and Spirits shall be conveyed through the several Utensils - - - -	4 G. 4. c. 94. s. 21. 6 G. 4. c. 80. s. 49.
17. Spirits to be removed from the Receiver into an entered Store Vat or Cask - -	16 & 17 Vict. c. 37. s. 8.
18. Spirit Receivers, how to be placed; must admit of the Gauge of Spirits of the Depth of 15 Inches, and be filled to that Depth -	16 & 17 Vict. c. 37. s. 5.
19. Commissioners may allow Spirit Receivers erected before 10th October 1853 of a less Depth than 15 Inches to be used. Mode of gauging and charging Spirits in such Case -	16 & 17 Vict. c. 37. s. 6.
20. Commissioners may require Apparatus to be applied to Spirit Receiver to prevent Fraud	16 & 17 Vict. c. 37. s. 32.
21. Penalty for any Pipe or Opening in any Still of a Distiller, Rectifier, or Compounder, except as herein described - -	4 G. 4. c. 94. s. 25. 6 G. 4. c. 80. s. 16.
22. Distillers, Rectifiers, and Compounders to make an Opening in their Stills through which Officers may take Samples and the Stills be cleansed. Fastenings to be provided for securing such Opening and the Head and Furnace Door of the Still -	4 G. 4. c. 94. s. 24. 6 G. 4. c. 80. s. 17.
23. The End of the Worm of every Still in a Distillery to be enclosed and secured, and the Spirits run into a close Safe, &c. -	4 G. 4. c. 94. s. 26. 6 G. 4. c. 80. s. 18.
24. Discharge Cock to be fixed to each Still and kept locked - - - - -	4 G. 4. c. 94. s. 23. 6 G. 4. c. 80. s. 19.
25. A Discharge Cock or Plug to be fixed in each Fermenting Wash Back - - -	4 G. 4. c. 94. s. 27. 6 G. 4. c. 80. s. 20.
26. Construction of Cocks used - -	4 G. 4. c. 94. s. 30. 6 G. 4. c. 80. s. 21.
27. Distiller, Rectifier, and Compounder to provide proper Cocks, Pumps, Fastenings, &c. at his own Expense - - -	4 G. 4. c. 94. s. 28. 6 G. 4. c. 80. s. 22.
28. All Cocks, Plugs, Pumps, &c., to be kept and affixed to the Satisfaction of the Officer and repaired at the Expense of the Distiller, Rectifier, and Compounder; Penalty for Neglect; Penalty for Fraud - -	4 G. 4. c. 94. s. 29. 6 G. 4. c. 80. s. 23.

	Acts on which the Clauses are founded.
29. Backs and fixed Vessels for keeping Spirits of Distillers, Rectifiers, and Compounders, Dealers and Retailers, to have a Dipping Place therein, and be gauged and tabled by the Officers - - - - -	4 G. 4. c. 94. s. 31. 6 G. 4. c. 80. s. 24.
30. Commissioners may order more than One Dipping Place to be made in Spirit Receivers, or in the Covers of Store Casks or Vats of Distillers - - -	16 & 17 Vict. c. 37. s. 7.
31. Penalty if Dipping Place of any Still or Vessel be altered or any Device used to deceive the Officer - - -	4 G. 4. c. 94. s. 40. 6 G 4. c. 80. s. 25.
32. Penalty on Distiller, Rectifier, or Compounder if the Position or Size of any Still or Vessel be altered without Notice - -	4 G. 4. c. 94. s. 39. 6 G. 4. c. 80. s. 26.
33. Commissioners may authorize Distillers and Rectifiers to use their present Utensils, although not conformable with the Provisions of this Act - - -	4 G. 4. c. 94. s. 38. 6 G. 4. c. 80. s. 27.
34. Officer may require the Water to be drawn off from the Worm Tub for Examination of the Worm and Tub - - -	4 G. 4. c. 94. s. 106. 6 G. 4. c. 80. s. 28.
35. The true Content to be marked on moveable Casks, and also the Name or Firm of the Distiller, &c., and the Place where his Stock is kept - - - -	6 G. 4. c. 80. s. 29. 16 & 17 Vict. c. 37. s. 12.

Making Entry of Premises and Utensils, and Regulations having Reference to licensed and entered Premises.

36. Utensils and Rooms to be marked - -	4 G. 4. c. 94. s. 33. 6 G. 4. c. 80. s. 31.
37. Entry to be made of the several Places and Utensils of Trade. No Still or Vessel to be entered as used for more than One Purpose - - - - -	4 G. 4. c. 94. ss. 34, 35. 6 G. 4. c. 80. ss. 30. 33.
38. Drawing or Model to be given showing the Course of every fixed Pipe to be used in a Distillery or by a Rectifier or Compounder. Pipes to be painted - - -	4 G. 4. c. 94. s. 36. 6 G. 4. c. 80. s. 32
39. Penalty for using any Still, Utensil, &c. or Place not duly entered or contrary to the Entry - - - - -	4 G. 4. c. 94. s. 37. 6 G. 4. c. 80. s. 34.
40. No Entry of any Distillery or Utensils to be withdrawn whilst Wash or other Materials for Distillation remain therein - -	6 G. 4. c. 80. s. 37.
41. Rectifying House not to be within a Quarter of a Mile of a Distillery, nor a Distillery within a Quarter of a Mile of a Rectifying House or of another Distillery - -	6 G. 4. c. 80. s. 35.
42. Distiller or Rectifier or Compounder not to be a Brewer or a Maker of Sweets, Vinegar, Cider, or Perry, or a Refiner of Sugar, or carry on his Business on Premises having any private Communication with the Premises of any such Trader - -	6 G. 4. c. 80. s. 36.

	Acts on which the Clauses are founded.
43. Distillers, Rectifiers, and Compounders to affix a Board on the Front of their Premises importing that they are licensed. Penalty on unlicensed Persons affixing such Board	4 G. 4. c. 94. s. 103. 6 G. 4. c. 80 s. 38.

Admission of Officers into entered Premises and Power to search.

44. Officers empowered to enter Distilleries and Premises of Rectifiers and Compounders to gauge, &c. Penalty for obstructing Officers - - - - -	4 G. 4. c. 94. ss. 15. 104. 6 G. 4. c 80 ss. 40. 108. 146. 7 & 8 G. 4. c. 53. s. 24.
45. Penalty for not giving Admission to the Officer after declaring his Name and Business. Officer may break open Distillery or entered Premises on being refused Admittance - - - - -	4 G. 4. c. 94. s. 107. 6 G. 4. c. 80. s. 41.
46. Distillers, Rectifiers, and Compounders to furnish Officer with Ladder and Lights -	4 G. 4. c. 94. s. 105. 6 G. 4. c. 80. s. 42.
47. Officers may break up Ground in Distillery or Rectifying Premises to search for private Pipes, &c. - - - -	4 G. 4. c. 94. s. 110. 6 G. 4. c. 80. s. 43.
48. Upon Oath made of Grounds to suspect any private concealed Still or private Distillation a special Warrant to break open the suspected House and to seize such Stills, Spirits, &c. may be granted. Penalty for obstructing Officer - - -	3 G. 4. c. 52. s. 113. 6 G. 4. c. 80. s. 39. 1 & 2 W. 4. c. 55. ss. 17, 18.

Materials for the Distillation of Spirits.

49. Distiller to use only Wort or Wash made in his Distillery - - - -	4 G. 4. c. 94. s. 111.
50. What Materials may be used in making Wort	11 & 12 Vict. c. 100. s. 2. 19 & 20 Vict. c. 51. s. 1.
51. During the Recess of Parliament Her Majesty may by Proclamation prohibit the Distillation of Spirits from Corn - -	6 G. 4. c. 80. s. 48.
52. Distillers may grind Malt with Millstones.	

As to the using of Sugar, Molasses, and Treacle in the Distillation of Spirits.

53. Distillers on giving Security to have Duty-free Sugar and Molasses delivered to them to be used in distilling Spirits - -	18 & 19 Vict. c. 94. s. 9.
54. Distiller to give Bond with Sureties conditioned to secure the due Consumption of Duty-free Sugar and Molasses in the distilling of Spirits - - - -	18 & 19 Vict. c. 94. s. 10.

	Acts on which the Clauses are founded.
55. No Sugar or Molasses to be received by Distillers except from the Customs or Excise Warehouse, and in the same State as when cleared, and accompanied with a Certificate from the Officer - - - -	11 & 12 Vict. c. 100. s. 7.
56. No Treacle to be received by Distillers except from the Refiner or Manufacturer, and in the same State and Packages as when first packed, nor unless accompanied with a Certificate from the Refiner or Manufacturer -	11 & 12 Vict. c. 100. s. 8.
57. Distiller using Sugar, Molasses, or Treacle to provide a Storehouse at his Distillery in which the same shall be deposited and secured. No Sugar, &c. to be removed out of such Storehouse except in the Presence of the Officer - - - -	11 & 12 Vict. c. 100. s. 9.
58. Distiller to give Twelve Hours Notice to the Officer of receiving Sugar, &c. and produce the same to him in the same State as received, to be deposited in the Storehouse -	11 & 12 Vict. c. 100. s. 10.
59. Four Hours Notice to be given before removing Sugar, &c. from the Storehouse to the Mash Tun. Sugar, &c. to be conveyed direct from the Storehouse to the Mash Tun, or re-deposited - - -	11 & 12 Vict. c. 100. s. 11.
60. Officer to keep an Account of the Stock of Sugar, &c. in the Storehouse - -	11 & 12 Vict. c. 100. s. 12.

As to the fraudulent Disposal of Malt, Sugar, Molasses, or Treacle from a Distillery.

61. Distillers prohibited from selling Malt, Sugar, Molasses, &c. - - - -	18 & 19 Vict. c. 94. s. 30.
62. Commissioners may revoke the Licence of a Distiller on a Second Conviction of certain specified Offences - - - -	18 & 19 Vict. c. 94. s. 31.
63. Persons found unlawfully removing Malt, Sugar, &c. from a Distillery, may be arrested and taken before a Justice, and summarily dealt with - - - -	18 & 19 Vict. c. 94. s. 32.

As to the brewing and fermenting of Wort and the distilling of Wash, Low Wines, and Feints.

64. Distiller not to brew Wort or use a Still on Sundays - - - -	4 G. 4. c. 94. s. 112. 6 G. 4. c. 80. s. 12.
65. Distiller to brew and distil in alternate Periods only - - - -	4 G. 4. c. 94. s. 41. 6 G. 4. c. 80. s. 50. 16 & 17 Vict. c. 37. s. 34.
66. Distiller to give Six Days Notice of beginning to brew and of re-commencing brewing -	4 G. 4. c. 94. s. 42. 6 G. 4. c. 80. s. 52.
67. Distiller to give Four Hours Notice of each brewing of Wort - - -	4 G. 4. c. 94. s. 43. 6 G. 4. c. 80. s. 51. 16 & 17 Vict. c. 37. s. 33.
68. Yeast to be added only in Fermenting Back.	
69. Declaration to be given of the Quantity and Gravity of the Wort when collected in the Fermenting Back - - -	4 G. 4. c. 94. s. 48. 6 G. 4. c. 80. s. 54.

	Acts on which the Clauses are founded.
70. Penalty on Increase of Gravity or Quantity of the Wort - - - -	4 G. 4. c. 94. s. 49. 6 G. 4. c. 80. s. 55.
71. Penalty if Wort or Wash be found to exceed in Gravity or Quantity the Gravity or Quantity previously ascertained by the Officer - - - - -	4 G. 4. c. 94. s. 49. 6 G. 4. c. 80. s. 56.
72. Saccharometer to be used for ascertaining the Gravity of Worts or Wash - - -	4 G. 4. c. 94. ss. 44, 45. 6 G. 4. c. 80. s. 53.
73. Regulations for Distillers making Bub or other Composition for exciting Fermentation - - - - - -	4 G. 4. c. 94. s. 50. 6 G. 4. c. 80. s. 57. 16 & 17 Vict. c. 37. s. 33.
74. Distiller may sell Yeast or use it in his Distillery.	
75. Distiller may refill Wash Backs during a Brewing Period.	
76. Before beginning to distil, Distiller shall declare that all Wort and Wash are collected into the Fermenting Wash Backs -	4 G. 4. c. 94. s. 51. 6 G. 4. c. 80. s. 58. 16 & 17 Vict. c. 37. s. 34
77. Distiller to give Four Hours Notice before removing Wash from the Fermenting Back to the Wash Charger - - -	4 G. 4. c. 94. s. 52. 6 G. 4. c. 80. s. 59. 16 & 17 Vict. c. 37. s. 33.
78. The Contents of Wash Charger to be conveyed into the Still or Charger before any other Wash be removed - - -	4 G. 4. c. 94. s. 53. 6 G. 4. c. 80. s. 63.
79. Samples of Wash may be taken, and the original Gravity before Fermentation determined as herein directed - - -	16 & 17 Vict. c. 37. s. 38. 19 & 20 Vict. c. 34. s. 16.
80. Samples of Wash may also be taken and distilled by the Officer - - - -	4 G 4. c. 94. s. 124. 6 G. 4 c. 80. s. 60.
81. Distiller to clean out Receivers and assist the Officer in distilling a Charge of Wash out of any Wash Back required by the Officer - - - - -	4 G. 4. c. 94. s. 123. 6 G. 4. c. 80. s. 61.
82. If the Produce of Wash distilled exceed the Proportion of One Gallon and a Quarter of Proof Spirits for every Five Degrees of Attenuation Distiller subject to Penalty -	4 G. 4. c. 94. s. 125. 6 G. 4. c. 80. s. 62.
83. Four Hours Notice to be given for the Removal of Low Wines, Feints, or Spirits from Receivers, and Officer to attend and take account thereof - - -	4 G. 4. c. 94. s. 54. 6 G. 4. c. 80. s. 64.
84. Low Wines, Spirits, and Feints produced to be kept separate until Account thereof be taken. Feints may be re-distilled. Officer may take account of the Spirits and Feints produced on such Re-distillation - - - - - -	4 G. 4. c. 94. s. 55. 6 G. 4. c. 80. s. 65. 16 & 17 Vict. c. 37. s. 35.
85. Two Spirit Receivers may be used on certain Conditions.	

As to the charging and Payment of the Duty on Spirits.

86. Modes of charging Duty: 1st. By Per-centage from Wash according to the Attenuation of the Gravity thereof, One Gallon for every Five Degrees attenuated - - - -	4 G. 4. c. 94. s. 56. 6 G. 4. c. 80. s. 66.

	Acts on which the Clauses are founded.
87. 2d. By the Produce as found in the Low Wines - - - - -	4 G. 4. c. 94. s. 57. 6 G. 4. c. 80. s. 67.
88. 3d. By the Produce on the Re-distillation of Low Wines into Spirits and Feints -	4 G. 4. c. 94. s. 58. 6 G. 4. c. 80. s. 68.
89. Distiller to be charged from the highest Gauge of Wash without allowing for Waste or Dregs - - - -	4 G. 4. c. 94. s. 59. 6 G. 4. c. 80. s. 69.
90. Sugar, &c. not to be mixed with Low Wines or Spirits to prevent the Strength being ascertained - - - -	4 G. 4. c. 94. s. 119. 6 G. 4. c. 80 s. 70.
91. Officer from Time to Time to make Returns of the Quantity of Spirits chargeable on the Distiller, who shall pay the Duty accordingly - - - -	4 G. 4. c. 94. s. 62. 6 G. 4. c. 80. s. 72.
92. Collectors may distrain for Duties in arrear from Distillers - - . -	4 G. 4. c. 94. s. 116.
93. Distiller to make Entry at the End of every distilling Period of the true Quantity of Wash distilled and Spirits made in each brewing and distilling Period - -	4 G. 4. c. 94. s. 62. 6 G. 4. c. 80. s. 73.
94. Distiller to deliver an Account of the Malt, Sugar, and Molasses used in every distilling Period verified by Declaration -	18 & 19 Vict. c. 94. s. 28.
95. Officer may take Samples of Wort, Wash, Spirits, &c. in any Distillery - -	4 G 4. c. 94. s. 118 6 G. 4. c. 80. s. 78.

As to the Removal of Spirits into the Distillery Store, or for Consumption; and the Account to be kept of Spirits in Stock.

96. No Spirits shall be received into a Distiller's Stock but such as are distilled in his Distillery - - - -	4 G. 4. c. 94. s. 122. 6 G 4. c. 80. s. 75. 16 & 17 Vict. c. 37. s. 16.
97. All Spirits distilled during a distilling Period to be removed from the Spirit Store within Ten Days after the Termination of such Period - - - - -	16 & 17 Vict. c. 37. s. 14.
98. Balance to be struck in the Stock Account, and Allowance made for Deficiency occasioned by natural Waste - - -	16 & 17 Vict. c. 37. s. 15.
99. Officer in charge of Spirit Store to attend daily - - - - -	16 & 17 Vict. c. 37. s. 11.
100. Spirits not to be removed from Distillery of other Strength than herein specified, or in less Quantity than Nine Gallons in any Cask, or without Permit - - -	4 G. 4. c. 94. s. 120. 6 G. 4. c. 80. s. 81. 11 & 12 Vict. c. 122. s. 23. 16 & 17 Vict. c. 37. s. 19.
101. Spirits may be sent out of the Store in Casks either full or on Ullage - - -	16 & 17 Vict. c. 37. s. 20.
102. Permit not to be granted for the Removal of Spirits out of Distillery except to Warehouse until Collector's Receipt for the Duty be produced - - - -	16 & 17 Vict. c. 37. s. 13.
103. Distiller's Stock Account of Proof Spirits to be kept by the Officer - - -	16 & 17 Vict. c. 37. s. 17.

	Acts on which the Clauses are founded.
Warehousing of Spirits Duty free, and Regulations relating to Spirits in Warehouse.	
104. Distillers may warehouse Spirits without Payment of Duty in Warehouses provided and entered by them and approved by the Commissioners - - - -	4 G. 4. c. 94. s. 66. 6 G. 4. c. 80. s. 82. 11 & 12 Vict. c. 122. s. 1. 16 & 17 Vict. c. 37. s. 23.
105. Regulations as to the Casks, and the Quantity to be contained therein, and Strength of warehoused Spirits - - -	16 & 17 Vict. c. 37. ss. 18, 19, 20.
106. Spirits in Distiller's Warehouse may be transferred to a Purchaser.	
107. Penalty for Frauds in relation to Spirits in Warehouse - - - -	6 G. 4. c. 80. s. 82. 11 & 12 Vict. c. 122. s. 24.
108. Commissioners may appoint general Warehouses under Bond in which Distillers may warehouse British Spirits - -	11 & 12 Vict. c. 122. s. 3. 16 & 17 Vict. c. 37. s. 23.
109. Distillers and Proprietors of Warehouses to provide Accommodation for Officers - -	16 & 17 Vict. c. 37. s. 31.
110. Commissioners may revoke their Approval of Warehouses - - -	11 & 12 Vict. c. 122. s. 3. 16 & 17 Vict. c. 37. s. 24.
111. Spirits may be deposited in Warehouses provided by the Commissioners. Rent payable	4 G. 4. c. 94. ss. 66. 78.
112. Removal of Spirits to Warehouse to be under the Regulations of the Commissioners.	
113. Action not to be maintained on account of Spirits destroyed in Warehouse by Fire, &c. - - - - - -	4 G. 4. c. 94. s. 82.
114. Distiller to give notice of his Intention to warehouse Spirits; none to be removed into Warehouse without Permit - -	4 G. 4. c. 94. s. 67. 6 G. 4. c. 80. s. 83.
115. Officer to attend Removal of Spirits -	4 G. 4. c. 94. s. 69. 6 G. 4. c. 80. s. 84.
116. Officer at the Warehouse to take Account of and give Receipt for Spirits warehoused, such Receipt to be delivered by Distiller to the Officer who is to give Credit for the same in the Charge against the Distiller -	4 G. 4. c. 94. ss. 70. 71. 6 G. 4. c. 80. ss. 85. 86.
117. Warehoused Casks to be numbered progressively - - - -	16 & 17 Vict. c. 37. s. 22.
118. Stowage of Casks in Warehouse to afford easy Access - - - -	16 & 17 Vict. c. 37. s. 27.
119. Spirits in Warehouse may be vatted, blended, or racked - - - -	16 & 17 Vict. c. 37. s. 21.
120. Casks containing racked or blended Spirits to be marked.	
121. Proprietor may view and show his Spirits in Warehouse - - - -	4 G. 4. c. 94. s. 77. 6 G. 4. c. 80. s. 87.
122. Spirits deposited in a general Warehouse may be transferred on Notice from the Distiller or Dealer, and entered and kept in the Name of the Purchaser. Spirits not to be delivered out till Duty paid - -	11 & 12 Vict. c. 122. s. 4.

	Acts on which the Clauses are founded.
As to the Delivery of Spirits out of Warehouse for Consumption, or Exportation, or Ship's Stores, or to be used for Methylation, or to be re-warehoused.	
123. No Spirits to be delivered out of Warehouse for Consumption without Payment of Duty. On Production of Collectors Certificate of Payment, Warehouse-keeper to deliver the Spirits for Removal -	6 G. 4. c. 80. ss. 93. 95. 11 & 12 Vict. c. 122. s. 1.
124. Spirits may be delivered out of Warehouse for Exportation without Payment of Duty. Notice of intended shipping to be given -	4 G. 4. c. 94. s. 73.
125. Bond to be given by Distiller or Proprietor of Spirits on Exportation; on Production of Collector's Certificate Spirits to be delivered with a Permit - - -	4 G. 4. c. 94. ss. 74. 75.
126. Commissioners may allow a Distiller or Proprietor to give a general Bond for the due Exportation of Spirits.	
127. Warehoused Spirits may be shipped as Stores or used for Methylation without Payment of Duty - - - - -	6 G 4. c. 80 s. 100.
128. Regulation as to Days and Hours of Removal from Warehouse - - -	4 G. 4. c. 94. s. 75. 6 G. 4. c. 80. s 95.
129. Duty to be paid on Deficiency of Spirits in Warehouse - - - -	4 G. 4. c. 94. s. 81. 6 G. 4. c. 80. s. 89.
130. Warehoused Spirits may be removed from one Warehouse to another - -	6 G. 4. c. 80. s. 90. 11 & 12 Vict. c. 122. s. 2.
131. Distiller or Proprietor of Spirits removed from one Warehouse to another may make fresh Entry of the same before being actually deposited - - - -	11 & 12 Vict. c. 122. s. 5.
Allowances for Deficiencies on Spirits warehoused, and on Spirits lost or destroyed.	
132. Allowances to be made for Deficiencies of Spirits in Warehouse - - -	16 & 17 Vict. c. 37. s. 28. 18 & 19 Vict. c. 94. s. 33.
133. Deficiencies to be allowed on Delivery of racked or blended Spirits from Warehouse.	
134. Spirits to be deemed in Warehouse during their Removal.	
135. Table in Schedule (B.) annexed to be used in ascertaining the Quantity of Spirits in a Cask by weighing the same - -	16 & 17 Vict. c. 37. s. 37.
136. Duty on Spirits, or Wash, &c. lost or destroyed by Fire or other Accident to be remitted - - - -	11 & 12 Vict. c. 122. s. 6. 16 & 17 Vict. c. 37. s. 10.
As to warehousing Spirits in Customs Warehouses for Exportation or Ship's Stores.	
137. Distiller may warehouse Spirits for Exportation or for Ship's Stores in Customs Warehouses - - - -	11 & 12 Vict. c. 122. s. 15.
138. Spirits in a Distillery Store or deposited in Excise Warehouses may be removed to Customs Warehouses - - -	11 & 12 Vict. c. 122. s. 16.
139. Distiller may add sweetening or colouring Matter to Spirits in Customs Warehouse.	

	Acts on which the Clauses are founded.
140. British Spirits re-imported may be deposited in a general Warehouse.	
141. Rectified or compounded Spirits may be deposited in Customs Warehouses -	11 & 12 Vict. c. 122. s. 17. 16 & 17 Vict. c. 37. s. 26.
142. Strength of rectified or compounded Spirits to be deposited in Customs Warehouses, and Regulations as to Casks, Permit, &c. -	11 & 12 Vict. c. 122. s. 20.
143. Rectified or compounded Spirits to be entered for Warehouse, and Officer of Customs to give Receipt for the same and transmit a Certificate to the Collector of Excise, who is to pay a Drawback of the Duty on the Spirits - - - - - -	11 & 12 Vict. c. 122. s. 21.
144. Rectifiers or Compounders warehousing Spirits may on giving notice add sweetening or colouring Matter to the same - -	11 & 12 Vict. c. 122. s. 22.
145. Rectified or compounded Spirits so warehoused may be sent coastwise for Exportation or for Ship's Stores only - -	11 & 12 Vict. c. 122. s. 18.
146 British Spirits deposited in a Customs Warehouse may be used in the same Manner as Foreign or Colonial.	

As to fraudulent Access to Spirits in Warehouse.

147. Penalty on Distiller, &c. fraudulently opening Warehouses or gaining Access to Spirits	11 & 12 Vict. c. 122. s. 24.

Denominations of British Spirits and Compounds.

148. Denominations of Spirits of different Distillations, British Compounds, &c. Mixtures manufactured from Spirits which have not paid the Duty of Excise. Proof of Spirits being such as described in the Permit or Certificate to lie on the Owner	4 G. 4. c. 94. s. 61. 6 G. 4. c. 80. s. 101. 11 & 12 Vict. c. 122. s. 25.

As to Rectifiers and Compounders of Spirits.

149. Penalty on Rectifiers and Compounders having in their Possession any Wort, &c., or distilling the same into Low Wines or Spirits, or receiving Spirits without a legal Permit - - -	6 G. 4. c. 80. s. 102.
150. Rectifiers or Compounders having fixed Pipes, &c. to their Stills not hereby permitted liable to Penalty - -	6 G. 4. c. 80. s. 104.
151. Regulations as to the placing of the Discharge Cock in the Body of the Still of a Rectifier or Compounder - - -	3 G. 4. c. 52. s. 71.
152. Notice to the Officer to unlock Furnace Door of a Still of a Rectifier or Compounder -	3 G. 4. c. 52. s. 73.
153. Directions relative to Officer's Attendance for opening the Furnace Door - -	3 G. 4. c. 52. s. 74.
154. Officer to open Locks and Fastenings for cleaning or repairing Utensils - -	3 G. 4. c. 52. s. 80.
155. Rectifiers or Compounders to charge their Stills as herein directed, and work them off within the Time herein limited -	6 G. 4. c. 80. s. 105.

	Acts on which the Clauses are founded.
156. Officers may take Still Gauges and Samples of Liquor; and if they discover Wash mixed with Low Wines, Rectifier is liable to Penalty - - - - -	3 G. 4. c. 52. s. 78.
157. Rectifiers or Compounders to cause the Heads of their Stills to be taken off so soon as the same shall cease to be worked -	6 G. 4. c. 80. s. 106.
158. Officers to take account of the Stocks of Rectifiers and Compounders as often as they may think fit, and if any Excess or Deficiency be found Forfeiture and Penalty shall be incurred - - - -	6 G. 4. c. 80. s. 109.
159. Spirits produced from Stills at work when Stocks are taken to be afterwards added -	6 G. 4. c. 80. s. 110.
160. Rectifier or Compounder receiving Spirits not to break Bulk before the Officer to whom Notice shall be given take an Account of the Strength and Quantity - -	6 G. 4. c. 80. s. 111.
161. Rectifiers or Compounders to mark the Quantity and Strength of mixed or compounded Spirits on the Casks containing the same - - - -	6 G. 4. c. 80. s. 112.
162. At what Strength and in what Quantities Rectifiers and Compounders may send out compounded Spirits and Spirits of Wine - - - -	6 G. 4. c. 80. s. 113. 18 & 19 Vict. c. 94. s. 34.
163. Strength of Spirits of Wine to be 43 per Cent. over Proof at the least, and to be expressed in the Certificate - - -	6 G. 4. c. 80. s. 114.

As to Dealers and Retailers.

164. Dealers and Retailers to make Entry of Premises and Utensils - - -	11 & 12 Vict. c. 121. s. 3.
165. At what Strength British Spirits may be kept and sent out of Stock by Dealers or Retailers - - - - -	11 & 12 Vict. c. 121. s. 23.
166. Casks used by Dealers and Retailers in Stock or for delivering out Spirits to have the true Content marked thereon - -	11 & 12 Vict. c. 121. ss. 4. 6.
167. Dealers and Retailers to mark the true Strength and Quantity of compounded Spirits on their Casks - - -	11 & 12 Vict. c. 121. s. 5.
168. Penalty on Retailer not licensed as a Dealer sending out Spirits to a Rectifier, Dealer, or Retailer, on receiving Spirits from another Retailer, and on Dealer not licensed as a Retailer selling less than Two Gallons of Spirits - - - -	11 & 12 Vict. c. 121. s. 7.
169. Licensed Dealers taking out an additional Licence may retail and send out Foreign Liqueurs in Quantities not exceeding a Gallon without Certificate - -	11 & 12 Vict. c. 121. ss. 9. 14.

	Acts on which the Clauses are founded.
As to Certificates and Permits for the Removal of Spirits.	
170. Every Rectifier, Dealer and Retailer to provide a Book for entering therein the Particulars of Spirits received and sent out by him -	11 & 12 Vict. c. 121. s. 12.
171. All Spirits sold by Rectifiers or Dealers, and also (when the Quantity exceeds a Gallon) by Retailers, to be accompanied by a Certificate	11 & 12 Vict. c. 121. s. 13.
172. Penalty on Rectifiers, Dealers, and Retailers for improper Use of Certificates - -	11 & 12 Vict. c. 121. s. 13.
173. Penalty for fraudulently using a Certificate for any Purpose other than the due Removal of Spirits - - - - -	11 & 12 Vict. c. 121. s. 15.
174. Rectifier, Dealer or Retailer not to receive Spirits without a Permit or Certificate, and the same to be cancelled on Receipt thereof	11 & 12 Vict. c. 121. s. 16.
175. Permits and Certificates to be preserved and delivered to the Officer - - -	11 & 12 Vict. c. 121. s. 17.
176. Stock of Dealer or Retailer may be taken by an Officer, and any Excess found therein to be forfeited - - - -	11 & 12 Vict. c. 121. s. 20.
177. Distiller, Rectifier, Dealer and Retailer to assist Officer in taking Stock - -	11 & 12 Vict. c. 121. s. 20.
178. Distiller may not carry on the Trade of a Dealer at any Place within the Distance of Two Miles from his Distillery, unless such Place be approved by the Commissioners	4 G. 4. c. 94. s. 132. 16 & 17 Vict. c. 37. s. 36.
179. Retailer not to be concerned in any Distillery, &c. within Two Miles of his Premises, and no Retailer to be licensed in any Premises having a private Communication with a Distillery, &c. - -	11 & 12 Vict. c. 121. s. 8.
180. No Spirits to be purchased except from licensed Traders or at Customs or Excise Sales or Warehouses - - -	6 G. 4. c. 80. s. 107. 11 & 12 Vict. c. 121. s. 22.
181. No Spirits to be removed from the Stock of a Distiller without a Permit - -	6 G. 4. c. 80. s. 115.
182. Rectifier, Compounder, Dealer, or Retailer not to receive Spirits without Permit or Certificate, nor any Person carry the same	6 G. 4. c. 80. s. 116.
183. No Spirits to be sent out or received into Stock unless the Permit or Certificate shall truly express the Strength. Rectifiers and others to have Credit for the Quantity expressed in the Permit - - -	6 G. 4. c. 80. s. 117.
184. All Spirits exceeding One Gallon to be removed by Permit or Certificate, otherwise Penalty and Forfeiture - - -	11 & 12 Vict. c. 121. s. 24.
185. Persons removing Spirits in any Quantity exceeding One Gallon and not producing a proper Permit or Certificate may be arrested and convicted, and on Nonpayment of the Penalty may be imprisoned -	6 G. 4. c. 80. s. 118. 11 & 12 Vict. c. 121. s. 25.

	Acts on which the Clause are founded.
186. Penalty for sending out or receiving Spirits without Permit, or for the fraudulent Use of Permits - - - - -	4 G. 4. c. 94. s. 121 6 G. 4. c. 80. s. 121
187. If a Permit or Certificate be not delivered with Spirits sold they shall be forfeited to the Buyer, and double the Price - -	6 G. 4. c. 80. s. 119.
188. Permits and Certificates for the Removal of Spirits to be granted under the Regulations of the Permit and Certificate Laws -	6 G. 4. c. 80. s. 120.

As to Scales, Weights, Measures, and Fastenings to be provided by Excise Traders.

189. Distillers, Warehouse-keepers, and other Excise Traders to keep sufficent Scales, Weights, and Measures for taking Account of Spirits, and aid the Officers in using the same. Penalty for providing false Scales, Weights, or Measures, and for practising Fraud, to prevent a true Account being taken - - - - -	16 & 17 Vict. c. 37. ss. 29, 30.
190. All Fastenings (except Locks), for the Security of Warehouses, Storerooms, and Utensils, to be provided at the Expense of the Excise Trader. Locks and Keys to be provided at the Expense of the Revenue. Penalty for removing or damaging Locks or Fastenings - - - -	18 & 19 Vict. c. 94. s. 15.

Supplying Spirits to be unlawfully retailed, and having in possession Spirits not Duty paid.

191. Penalty on Persons selling Liquors to be unlawfully retailed or consumed by others -	6 G. 4. c. 80. s. 132.
192. Persons knowingly having in possession Spirits for which the Duties have not been paid to forfeit the same and Treble Value - - - - -	6 G. 4. c. 80. s. 133.

Retailing and using Spirits in Gaols.

193. No Licence to be granted for retailing Spirits within Gaols or Houses of Correction, nor shall Spirits be used there except such as shall be medicinally prescribed -	6 G. 4. c. 80. . 134.
194. Justices, upon Information that Spirits are kept and disposed of in any Gaol, &c., may enter and search, and empower any Constable to seize the same - - -	6 G. 4. c. 80. s. 135.

Hawking Spirits, and selling Spirits in unlicensed Places.

195. Persons hawking or selling Spirits in unlicensed Places to forfeit the same, and a Penalty; and may be committed to the House of Correction for Nonpayment -	6 G. 4. c. 80. s. 138.

	Acts on which the Clauses are founded.
196. Justice of Peace, upon Information on Oath, may issue Warrant to apprehend Persons hawking Spirits - - -	6 G. 4. c. 80. s. 139.
197. Any Person may detain a Hawker of Spirits, and give notice to a Peace Officer, who is to carry the Offender before a Justice -	6 G. 4. c. 80. s. 140.

As to the Acquittal and Reward of Informers.

198. Either of the offending Parties informing against the other shall be acquitted of his own Penalty - - - - -	6 G. 4. c. 80. s. 141.
199. Informers may be rewarded by the Commissioners if the Penalty is not paid and cannot be levied, or if the Offender be sent to Prison - - -	6 G. 4 c. 80. s 142.

As to Persons opposing the Law, and Peace Officers refusing to aid in executing it.

200. Armed Persons opposing the Law, or violently rescuing Offenders, or assaulting Officers, Informers, or Witnesses, guilty of Felony, and to be kept in Penal Servitude for Seven Years - - - -	6 G. 4. c. 80. s. 143.
201. Penalty on Constable or other Peace Officer not assisting in executing this Act -	6 G. 4. c. 80. s. 144

As to the Repeal of existing Acts and the Commencement and Operation of the Act.

202. Repeal of existing Acts.	
203. Commencement and Operation of the Act.	

SCHEDULES.

SCHEDULE (A.) A Table for determining the original Gravity of Worts before Fermentation - -	16 & 17 Vict c. 37. s. 38, and Schedule (D)
SCHEDULE (B) A Table for determining the Weight per Gallon of Spirits by Sykes's Hydrometer -	16 & 17 Vict. c. 37. s. 37, and Schedule (C.)
SCHEDULE (C.) Acts to be repealed.	

ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

***

Spirits.

The Term "Still" shall mean also the Head or Worm, or any other Part of a Still, and shall mean and include also any distilling Apparatus whatever for the distilling or making of Spirits:

"Rectifier or Compounder" shall mean a Rectifier or Compounder of Spirits:

"Dealer" shall mean a Dealer in Spirits:

"Retailer" shall mean a Retailer of Spirits:

"Excise Trader" shall mean and include a Distiller, Rectifier, Compounder, Dealer, and Retailer, and also a Maltster, and any Proprietor of a general Warehouse under the Provisions of this Act, and every other Person carrying on a Trade or Business subject to the Regulations of this Act:

The several Terms "Collector," "Supervisor," and "Officer" shall mean respectively Collector of Excise, Supervisor of Excise, and Officer of Excise; and the Terms "proper Collector," "proper Supervisor," and "proper Officer" shall mean respectively the Collector, Supervisor, and Officer of Excise respectively of the Collection, District, Division, and Ride respectively in which any Excise Trader shall carry on a Trade or Business subject to the Laws of Excise, or in which any Premises wherein such Trade or Business is carried on, or intended so to be, are situate, or in which anything is by this Act required to be done, or any Notice to be given to such Collector, Supervisor, and Officer respectively; provided always, that the Term "any Officer" shall mean an Officer of Excise of any Rank or Grade whatever:

"Justice of the Peace" shall mean a Justice of the Peace having Jurisdiction for the County or Place where any Offence shall be committed or suspected to be committed, or any Offender shall be apprehended or found, or any Goods or Commodities shall be seized or be liable to Seizure, or be suspected to be so liable, as the Case may be:

"County or Place" shall include a City, County of a City, County of a Town, Borough, Liberty, Division, Franchise, or other Place of magisterial Jurisdiction:

"Ship" shall mean Ship or Vessel:

Persons having Wash fit for distilling and a Still deemed to be Distillers.

II. Every Person making or keeping Wash prepared or fit for distilling, or Low Wines or Feints, and having in his Possession or Use a Still, shall be deemed to be a Distiller liable to the several Duties, Penalties, and Forfeitures imposed by Law on Distillers.

Licences

Spirits.

Licences to Distillers, Rectifiers, and Compounders.

III. No Person without having first duly obtained and having in force a Licence for the Purpose from the Commissioners, or the proper Officers authorized to grant such Licence, according to the Law of Excise, shall have or use a Still for making, distilling, rectifying, or compounding Spirits, or brew or make Wort or Wash, or distil Low Wines, Spirits, or Feints, or rectify or compound Spirits, on pain of forfeiting the Sum of Five hundred Pounds; and for any such Offence all Wort, Wash, Low Wines, Feints, and Spirits, and all Materials for making or preparing the same respectively, and all Stills in the Possession or Use of the Offender, and all Vessels and Utensils therewith used, or containing such Wort, Wash, Low Wines, Feints, Spirits, and Materials respectively, shall be forfeited.

No Person to keep or use a Still for distilling Spirits, or make Wort or Wash without a Licence for that Purpose.

IV. The several Licences, Entries, Notices, Declarations, Books, Accounts, and Returns required or directed by this Act may be in such Form respectively as the Commissioners may from Time to Time direct, but it shall not be necessary to prove, in any Proceeding for an Offence against this Act, the particular Order or Direction of the Commissioners in that Behalf; and any Notice or Declaration given or made by or on behalf of an Excise Trader shall, according to the Intent and Meaning thereof, be taken to be good and effectual as against such Excise Trader, although it may not be in the Form, or contain the several Particulars, or be given to or served upon all the Persons, or within the Time by this Act prescribed or limited for giving or serving the same; and it shall not be competent for such Excise Trader to allege any Imperfection or Defect in such Notice or Declaration, or in the giving, making, or serving of the same.

The Licences, Entries, Notices, Declarations, &c. required by this Act may be in such Form as the Commissioners shall direct.

Notices and Declarations not invalidated for Want of Form.

V. No One Licence shall authorize a Person to keep or use a Still, or make Wort or Wash, or distil Wash, Low Wines, or Spirits, or rectify or compound Spirits in any other Place than the House or Premises mentioned in such Licence.

Licence for Premises mentioned therein only.

VI. No Person shall be entitled to have a Licence granted to him for a Distillery, or be permitted to make Entry of a Distillery, unless the same shall be situated within a Market Town, or within the Distance of a Quarter of a Mile from such Town; but the Commissioners may, if they shall think fit, grant such Licence and permit such Entry to be made in respect of a Distillery situated otherwise than as aforesaid, on the Distiller providing, on such Terms as they shall

Distillery to be within a Quarter of a Mile of a Market Town, or Distiller to provide Lodgings for Officers.

shall approve, fit and proper Lodgings or Rooms for the Residence of the Officers to be placed in charge of such Distillery, conveniently situated and approved by the Collector, but not forming any Part of the Distillery, or of the Dwelling House in which the Distiller shall reside, and at a reasonable Cost not exceeding Ten Pounds a Year; and if after the granting of a Licence on the Terms aforesaid the Distiller shall neglect or refuse to provide such Lodgings or Rooms, or shall not maintain them in proper Repair, or shall interrupt or annoy the Officer in the proper Use and Enjoyment thereof, the Commissioners may suspend or revoke such Licence; and during the Period of such Suspension, as well as after such Revocation, the Licence shall be deemed to be no longer in force.

No Distiller in England to keep a Still of less Content than 400 Gallons, or use more than Two Wash Stills and Two Low Wines Stills with any Still of less Content than 3,000 Gallons.

VII. No Distiller in *England* shall keep or use a Still for making or distilling Low Wines or Spirits the Body of which, without the Head thereof, shall be of less Content than Four hundred Gallons; and no Distiller keeping or using a Still of smaller Content, without the Head, than Three thousand Gallons, shall keep or use in his Distillery at the same Time more than Two Wash Stills and Two Low Wines Stills, upon pain of forfeiting for every Still of less Capacity or Content than as aforesaid, and for every Still above the Number aforesaid respectively, the Sum of One hundred Pounds; and for every Time that any such Still as aforesaid shall be used by him a further Sum of One hundred Pounds; and every such improper or further Still shall also be forfeited.

No Person to keep a Still of less Content than herein specified.

VIII. No Licence shall authorize a Person to keep or use a Still or other Utensil for making or distilling Spirits of less Content than Forty Gallons, or any distilling Apparatus not capable of distilling Two hundred Gallons of Wash *per* Hour.

No Licence to be granted for any Still of less Content than 400 Gallons without a Certificate of Three Justices of the Fitness of the Person to be licensed.

IX. Before a Licence shall be granted to any Person to keep or use a Still for making or distilling Spirits of less Content than Four hundred Gallons, he shall produce to the Commissioners a Certificate in Writing, under the Hands of Three Justices of the Peace of the County or Place, that he is a Person of good Character, and fit and proper to be licensed to keep such Still; and that the Premises in which he purposes to erect such Still, and of which he is in actual Possession, are of the yearly Value of Ten Pounds at the least; but if a Still shall be intended to be kept by Two or more Persons in Partnership, such Certificate with relation to One of them shall be sufficient to authorize the granting of a Licence to all such Persons.

X. Pro-

Spirits.

X. Provided always, That a Person who shall be licensed to keep and who shall actually keep and use a Still of the Content of Four hundred Gallons or upwards, may be licensed to keep a Still of less Content without the Production of such Certificate; and provided also, that the Commissioners may, if they shall deem it expedient, refuse to grant a Licence to a Person to keep a Still of less Content than Four hundred Gallons, notwithstanding the Production of the Certificate of the Justices; and in every Case when a Licence shall be refused, the Commissioners shall state in Writing under their Hands, to the Justices who shall have signed such Certificate, the Grounds of Refusal.

Persons licensed to keep a Still of 400 Gallons Content may keep a smaller Still without Certificate.

Commissioners may refuse Licences for Stills under 400 Gallons Content.

XI. The Commissioners may lawfully refuse to grant a Licence to keep a Still, for the making or distilling of Spirits in any Building in which, from the local Situation thereof in respect to any Premises used for rectifying or compounding Spirits, or in respect to any Brewery or Vinegar Manufactory, it may appear to them not to be expedient to allow the making or distilling of Spirits; and they may also lawfully refuse to grant a Licence to keep a Still for rectifying or compounding Spirits, or a Licence to brew Beer, Porter, or Ale, or to make Vinegar, on any Premises in which, from their local Situation in respect to a Distillery, it shall appear to the Commissioners inexpedient to allow such Trades or Businesses respectively to be carried on.

Commissioners may refuse to license Stills in Situations near Rectifiers or Brewers, and may also refuse to grant Licences to Rectifiers, Brewers, &c. near Distilleries.

XII. The Commissioners may lawfully suspend or revoke the Licence of a Distiller who shall be convicted of obstructing or preventing any Officer or his Assistant in or from entering into a Distillery, or any House, Outhouse, Store, or other Place whatsoever of such Distiller, or in or from otherwise performing his Duty in the Execution of any Act relating to the Excise.

Commissioners may revoke the Licence of any Distiller convicted of obstructing Officers.

Description and Construction of Spirit Stores, Vessels, and Utensils to be provided.

XIII. There shall be a proper Spirit Store in every Distillery for keeping and securing the Spirits distilled thereat; and such Spirit Store shall be a secure Room or Place, approved by the Commissioners, and provided with proper Fastenings for the Purpose of locking up and securing the same to the Satisfaction of the Supervisor or other Superior Officer, and shall be kept locked up by the proper Officer in charge, at all Times, except when he shall be in Attendance; and the Commissioners may refuse to grant a Licence to keep a Still

A proper Spirit Store to be provided in every Distillery.

a Still for the distilling of Spirits to any Person until he shall have provided in his Distillery a proper Store approved as aforesaid; and they may also suspend or revoke any Licence which may have been granted to a Distiller, unless and until he shall have provided such Store and fixed proper Fastenings for securing the same in manner aforesaid.

After obtaining Licence, and before making Entry of Utensils, Distiller to erect certain Chargers and Receivers.

XIV. Every Person who shall take out a Licence as a Distiller shall, after obtaining such Licence and before making Entry of a Still or other Vessel or Utensil to be used by him, erect and shall thereafter keep the several Vessels herein-after enumerated, and in the Manner and for the Purposes herein-after described; that is to say, if the Still be of such Kind that the Produce of the Wash on the First Distillation is Spirits and Feints, One Vessel to be called a Wash Charger, One other Vessel to be called a Feints Receiver, and One other Vessel to be called a Spirit Receiver; and if the Still be of such Kind that the Produce of the Wash on the First Distillation is Low Wines, then in addition to the Vessels before enumerated there shall be erected One Vessel to be called a Low Wines Receiver, One other Vessel to be called a Low Wines and Feints Charger, and (except as herein-after mentioned) One other Vessel to be called a Spent Lees Receiver; but there shall not be kept in a Distillery more than One Wash Charger, nor, in connexion with the first-mentioned Kind of Still, more than One Spirit Receiver, (except on the Terms and Conditions specified in Clause Eighty-five of this Act), nor more than Two Feints Receivers; nor, in connexion with the Kind of Still secondly herein mentioned, more than One Spirit Receiver (except as aforesaid), nor more than Two Low Wines Receivers, nor more than Two Feints Receivers, nor more than Two Low Wines and Feints Chargers; and if any greater Number of such Vessels respectively shall be found in a Distillery the Distiller shall forfeit Two hundred Pounds, and all such Vessels exceeding the Number aforesaid respectively, together with the Contents thereof, shall also be forfeited: Provided always, that it shall be lawful for a Distiller to have One intermediate Still Charger in connexion with each Charger.

Number of Chargers and Receivers allowed.

Description of Vessels and Utensils.

XV. Every Wash Charger shall be a close covered Vessel, and the Content thereof shall not be less than Half that of the largest Wash Back; and every Wash Charger shall be connected with the Wash Stills by One close Metal Pipe with a Branch to each Still, having a Cock thereon, One End of which Pipe shall be fixed into the Bottom of the Wash Charger, and the End of each Branch shall be fixed into

into the Still; and to the Wash Charger there shall be One other close Metal Pipe having a Cock thereon, one End of which Pipe shall be fixed into the Pump placed in the Jack Back, if any such Vessel shall be used, or otherwise to the Pipe or Trough communicating with the fermenting Wash Backs, and the other End of such Pipe shall be fixed into such Wash Charger; and such Charger shall not have Communication with any other Vessel or Utensil whatever, except with the Feints Receiver, by means of a close Pump or Metal Pipe with a Cock thereon; and every Low Wines Receiver shall be a close covered Vessel, with a Pump or discharging Cock fixed therein for the Conveyance of Low Wines from such Receiver into the Low Wines and Feints Charger, and there shall be One close Metal Pipe, externally visible for its whole Length, attached to and leading directly from the Safe at the End of the Worm of the Wash Still, and fixed into the Low Wines Receiver, so that all Low Wines running into such Pipe from the Safe shall immediately be discharged therefrom into such Receiver, which Receiver shall not have Communication with any Vessel or Utensil whatever, except as aforesaid; and every Feints Receiver shall be a close covered Vessel, with a Pump or discharging Cock fixed therein for the Conveyance of Feints from such Receiver into the Low Wines and Feints Charger or Wash Charger or intermediate Still Charger, and there shall be One close Metal Pipe, externally visible for the whole Length, attached to and leading directly from the Safe at the End of the Worm of the Still, and fixed into the Feints Receiver, so that all Feints running into such Pipe from the Safe shall immediately be discharged therefrom into such Receiver, which Receiver shall not have Communication with any Vessel or Utensil whatever, except as aforesaid; and every Low Wines and Feints Charger shall be a close covered Vessel, connected with the Still by a close Metal Pipe having a Cock thereon, one End of which Pipe shall be fixed into the Bottom of such Charger, and the other End shall be fixed into the Still, and each such Charger shall have Communication with the Low Wines and Feints Receivers respectively by means of close Metal Pipes, one End whereof respectively shall be fixed to each such Charger, and the other End shall be attached to the Pump or discharging Cock to be so fixed as aforesaid in the Low Wines Receiver and Feints Receiver respectively, and such Charger shall not have Communication with any other Vessel or Utensil whatever, except as aforesaid; and every Spirit Receiver shall be a close covered Vessel, and shall not have Communication with any Vessel or Utensil whatever, except with the Safe of the Still by means of One close Metal Pipe, externally visible for its whole Length, attached to and leading directly from the Safe at the End of the Worm, and fixed into the Spirit Receiver in such Manner

Wash Charges.

Low Wines Receiver.

Feints Receiver.

Low Wines and Feints Charger.

Spirit Receiver.

Manner as that all Spirits running therein from the Safe shall run directly and be discharged therefrom into the Spirit Receiver without resting in the Pipe; and in every Spirit Receiver there shall be placed and fixed either a Pump for emptying the same, or a proper discharging Cock for drawing off the Spirits therefrom; and every such Charger and Receiver respectively shall be erected and kept in a convenient and public Situation in the Still House, or to the Approbation of the Commissioners, and exposed to open View, and easy of Access and Inspection to the surveying Officer on all Parts thereof, and shall have a sufficient Cover thereon, with a Dipping Hole cut in the Cover, of such Form and Size as the Commissioners shall direct, and in the Dipping Hole there shall be placed such Dipping Rod as shall be provided by the proper Officer, who may secure the same in such Manner as to him shall seem expedient to prevent the Removal thereof; and every Spent Lees Receiver shall be a close covered Vessel, and shall not have Communication with any Vessel or Utensil whatever, except with the Low Wines Still by means of One close Metal Pipe, externally visible for its whole Length, attached to and leading directly from the Still, and fixed into the Spent Lees Receiver, and which Pipe shall be the only Discharge Pipe of such Still, having a Cock thereon secured as the Supervisor or other superior Officer shall direct and approve, and in the Bottom of which Receiver shall be an internal safe and secure Plug in a Discharge Hole; and every such Spent Lees Receiver shall have One other Opening not more than One Third of the Depth of the Receiver from the Top thereof, covered and secured by an internal Metal Plate perforated with circular Holes of not more than Four Tenths of an Inch in Diameter, and such Receiver shall have no other Opening whatsoever; and every intermediate Still Charger (if such Vessel be used) shall be a close covered Vessel, and shall have One fixed Pipe with a Cock thereon leading from the Wash Charger or Low Wines and Feints Charger, and One fixed Discharge Pipe with a Cock thereon leading from the Still Charger to the Still, and shall have no other Hole or Opening therein, nor any other Communication with any Vessel or Utensil whatever, except One other Pipe with a Cock thereon leading from the Feints Receiver, and One other Pipe from the Water Cistern; and if there shall be found in a Distillery any Charger or Receiver or Pump or Pipe therefrom or Cock therein which shall not be made, kept, and constructed in manner herein directed, or which shall have any Hole therein, except the Trap Door in the Cover thereof and Dipping Hole, properly secured by the Officer, or any Communication with any other Vessel or Utensil whatever other than as by this Act is required or allowed, the Distiller shall forfeit the Sum of Two hundred Pounds, and also the Sum of Twenty Pounds for every Day during

Chargers and Receivers how to be erected.

Dipping Rods to be fixed therein.

Description of Spent Lees Receiver.

Intermediate Still Charger.

Penalty for constructing Chargers or Receivers contrary hereto.

during which such Charger, Receiver, Pump, Pipe, or Cock shall remain in his Distillery.

General Directions as to the Mode and Course in which Wash, Low Wines, Feints, and Spirits shall be conveyed through the several Utensils.

XVI. All Wash made in a Distillery shall be fermented in the Fermenting Wash Backs, and shall be conveyed directly from thence into the Wash Charger, and from such Charger into the Still, there to be distilled; all Low Wines shall be conveyed directly from the Safe at the Worm End of the Wash Still into the Low Wines Receiver, and be pumped up or conveyed from thence into the Low Wines and Feints Charger, and shall be conveyed directly from such Charger into the Low Wines Still, there to be re-distilled; and all Spirits shall be conveyed directly from the Safe at the Worm End of the Still into the Spirits Receiver, or Feints Receiver, and so much of such Spirits as shall be conveyed into the Feints Receiver shall be pumped or conveyed directly from thence into the Low Wines and Feints Charger, or Wash Charger, or intermediate Still Charger, and directly from such Charger into the Still to be re-distilled; and the Produce of the last-mentioned Re-distillation, and of every other Re-distillation, shall in like Manner be conveyed directly from the Safe at the Worm End of the Still into the Spirit Receiver, or into the Feints Receiver; and no Feints conveyed into the Feints Receiver shall in any Case be removed from thence, except by pumping, or by a Discharge Cock conveying the same directly into the Low Wines and Feints Charger, or Wash Charger, or intermediate Still Charger, from whence such Feints shall be conveyed directly into the Still for Re-distillation, until the whole of such Feints shall be made into Spirits, and be conveyed and run into the Spirit Receiver; and no Spirits conveyed into the Spirit Receiver shall be re-distilled or removed from such Receiver, except into the Store Room of the Distiller, in the Manner herein-after directed; and if in a Distillery any Wash shall be fermented or any Wash, Low Wines, Feints, or Spirits shall be removed or distilled, contrary or otherwise than according to the Directions aforesaid, or if the whole of the Spirits made or distilled shall not be conveyed and run into the Spirit Receiver, such Wash, Low Wines, Feints, and Spirits respectively, together with all Vessels and Utensils wherein the same may be contained, shall be forfeited, and the Distiller shall forfeit the Sum of Two hundred Pounds, or Twenty Shillings for every Gallon of such Wash, Low Wines, Feints, or Spirits, at the Election of the Commissioners or Person who shall inform or sue for the same.

Spirits to be removed from the Receiver into an entered

XVII. All Spirits distilled in a Distillery shall, after the proper Officer shall have taken an Account of the Quantity and Strength thereof, be forthwith removed and conveyed through a close Metal Pipe, visible throughout its whole Length, from the Spirit Receiver

 into

Store Vat or Cask.

into an entered Store Cask or Vat in the entered Spirit Store of the Distillery; and every such Store Cask and Vat respectively shall be a close covered Vessel, with proper and sufficient Fastenings for securing the Spirits therein to the Satisfaction of the proper Supervisor or other superior Officer; and if all such Spirits shall not be removed and conveyed in manner aforesaid into such entered Store Cask or Vat as aforesaid, the Distiller shall forfeit the Sum of Two hundred Pounds.

Spirit Receivers, how to be placed. Must admit of the Gauge of Spirits of the Depth of 15 Inches, and be filled to that Depth.

XVIII. No Spirit Receiver shall be used which shall not be made, placed, and fixed to the Satisfaction of the Commissioners, and be of a Depth sufficient to admit of the Gauge of Spirits being taken of the Depth of Fifteen Inches at the least in the Centre of the Receiver; and every Receiver shall be so filled with Spirits that at the Time of gauging the same, for the Purpose of charging the Duty thereon, the Depth of Spirits therein shall not be less than Fifteen Inches; and if in any Distillery a Spirit Receiver shall be used which shall not be so made, placed, and fixed as aforesaid, or which shall not be of a Depth sufficient to admit of the Gauge of the Spirits therein being taken of the Depth aforesaid, or if a Distiller shall neglect or refuse to cause any Spirit Receiver used in his Distillery to be so filled with Spirits that at the Time of gauging the same the Depth of Spirits therein shall not be less than as aforesaid, unless from any unavoidable Cause or Circumstance he shall be unable so to do, the Distiller shall forfeit the Sum of Fifty Pounds.

Commissioners may allow Spirit Receivers, erected before 10th Oct. 1853 of a less Depth than 15 Inches to be used.

Mode of gauging and charging Spirits in such Case.

XIX. Provided always, That it shall be lawful for the Commissioners to allow the Use of any Spirit Receiver which before the Tenth Day of *October* One thousand eight hundred and fifty-three was erected and in use in a Distillery, although the same may be of so large an Area that the Spirits distilled from the Wash contained in the respective Wash Backs of the Distillery may be insufficient to fill such Receiver to the Depth aforesaid; and in such Case, as well as in any other Case in which the Depth of Spirits in any Spirit Receiver shall be less than Fifteen Inches, the Charge of Spirits therein shall be made on the next Tenth Part of an Inch marked on the graduated Scale on the Dipping Rod, above the Point which the Dip of such Spirits in the Receiver shall indicate thereon; and the said next Tenth on the said graduated Scale shall be deemed to be the actual Dip of the Spirits, and the Officer shall enter the same in his Survey Book, and charge the Duty accordingly, making an Allowance to the Distiller of One Half of a Gallon in every One hundred Gallons of the Quantity so charged, computed at the Strength of Hydrometer Proof.

Commissioners may require Ap-

XX. The Commissioners may require any Distiller to erect and apply at his own Expense in his Distillery any Apparatus or Machine which

which they may think proper for the Purpose of preventing the Supply Cock and the Discharge Cock of the Spirits Receiver being both open at the same Time, and for registering the Number of Times each Cock has been opened; and if the Distiller shall neglect or refuse to provide and apply any such Apparatus or Machine, on being required so to do, he shall forfeit the Sum of Two hundred Pounds.

paratus to be applied to Spirit Receiver to prevent Fraud.

XXI. If in a Distillery, or any House for distilling, rectifying, or compounding Spirits, or any Place adjoining thereto, there shall be any Pipe or Conveyance whatsoever leading directly or indirectly to or from a Still, or if there shall be any Opening whatever into or out of a Still, other than such Pipes, Conveyances, and Openings as are prescribed by this Act, or if there shall be any Opening whatever into or out of the Worm of a Still, except the Communication which such Worm shall have with the Still, and the Opening into the Safe at the End of such Worm, and except such Air Valve or Conductor as shall be approved of by the Commissioners, the Distiller, Rectifier, or Compounder shall forfeit the Sum of Two hundred Pounds.

Penalty for any Pipe or Opening in any Still of a Distiller, Rectifier, or Compounder except as herein described.

XXII. In every Still used by a Distiller, Rectifier, or Compounder there shall be a Hole or Opening, whereby the Officers may be enabled to take Gauges and Samples; and such Hole or Opening shall be not less than Two Inches in Diameter, and so contrived that the Officers may take Samples from the Still with a Phial, to be drawn perpendicularly through the same, and that the Still may be thereby cleansed, subject to such Directions as the Commissioners may give in that Behalf; and proper Fastenings shall be provided for locking and securing the said Hole or Opening, and for securing the Head of the Still and the Furnace Door thereof, and all such Fastenings shall be locked and secured by the proper Officer; and if a Still shall be set up or used by a Distiller, Rectifier, or Compounder in which there shall not be such Hole or Opening as aforesaid, or if a Distiller, Rectifier, or Compounder shall not observe any Directions which may be given by the Commissioners as aforesaid in that Behalf, he shall forfeit the Sum of Two hundred Pounds.

Distillers, &c. to make an Opening in their Stills, through which Officers may take Samples, and the Stills be cleansed.

Fastenings to be provided for securing such Opening and the Head and Furnace Door of the Still.

XXIII. The End of the Worm of every Still in a Distillery shall be enclosed and secured in such Manner and by such Mechanism and Means as the Commissioners shall direct; and all Low Wines, Feints, and Spirits running from the End of the Worm shall run from thence directly into a Safe enclosed and secured as aforesaid, and shall be conveyed directly, and by such a Pipe as aforesaid open externally to the Inspection and Examination of the Officers for the whole Length thereof, from the Safe into the Receivers respectively; and if upon Demand by the proper Supervisor or Officer the End of every Worm shall not be enclosed and secured, and maintained and kept enclosed

The End of the Worm of every Still in a Distillery to be enclosed and secured, and the Spirits run into a close Safe, &c.

enclosed and secured in manner aforesaid, or if the whole of the Low Wines, Feints, or Spirits coming from the Worm shall not be run directly into a Safe so enclosed and secured as aforesaid, or if the Low Wines, Feints, and Spirits respectively, and every Part thereof, shall not be successively conveyed from the Safe into the Low Wines Receiver, Feints Receiver, and Spirit Receiver respectively, directly and by such a Pipe or Pipes as aforesaid, or if such Mechanism and Means of enclosing the End of the Worm and the Safe as aforesaid shall not be affixed and kept and preserved affixed as aforesaid, or if, after the End of any Worm and any Saf respectively are enclosed and secured, the Mechanism or Means by which the same shall be enclosed and secured shall be destroyed or injured, or if by any Contrivance Access shall be gained or had (except by the Sample Cock of such Safe), without Notice to or not in the Presence of the Officer, to the enclosed End of the Worm, or to any Low Wines, Feints, or Spirits, from the Time of the Extraction or Distillation thereof in the Still, until the same have been taken account of by the Officer in the proper Receiver, or if the Officer shall be in any Manner prevented from, or hindered, baffled, or defeated in ascertaining the Strength and Quality of any Low Wines, Feints, or Spirits whilst running, or in taking a true Account thereof in the Receiver, the Distiller shall forfeit the Sum of Two hundred Pounds.

Discharge Cock to be fixed to each Still and kept locked.

XXIV. There shall be a Discharge Cock fixed to every Still in a Distillery, and where there shall not be a Spent Lees Receiver such Discharge Cock on every Low Wines Still shall be kept safely and securely locked by the proper Officer, except when opened by him on reasonable Notice given by the Distiller, not oftener than once in Six Hours; and such Discharge Cock shall not be more than Three Feet distant from the Body of the Still, or Eighteen Inches from the Brickwork, and shall be firmly attached to the Still by a straight Metal Pipe; and such Discharge Cock and Pipe respectively shall be so fixed and placed as that the Officers may at all Times have free and convenient Access to the same.

A Discharge Cock or Plug to be fixed in each fermenting Wash Back.

XXV. Every Distiller shall provide and fix to the Satisfaction of the Supervisor a proper Discharge Cock or Plug and Plughole in every Fermenting Wash Back, through which Cock or Plughole the Wash in such Wash Back shall from Time to Time be conveyed by a Main Pipe or open Trough into the Jack Back, if any, or into the Wash Charger; and such Main Pipe or Trough shall be placed and fixed in such Manner that all Wash or Liquor put therein shall forthwith run and be discharged from thence into the Jack Back or Wash Charger, as the Case may be, and not elsewhere; and there shall not be any other Pipe or Conveyance entering into or passing out of any Wash

Wash Fermenting Back, except the Pipe for conveying Wort into the Fermenting Back from the Coolers and a Sewer Cock or Plug for carrying off the Water wherewith the Back may have been cleansed; but a Distiller may lawfully place any close Metal Pipe in but not opening into any Wash Back, for the Purpose of conveying through the same hot or cold Air or Water for the Purpose of promoting or retarding the Fermentation of the Worts or Wash contained therein.

Construction of Cocks used.

XXVI. Every Cock kept or used by a Distiller, Rectifier, or Compounder shall be constructed in such Manner as shall be from Time to Time directed or approved by the Commissioners, on pain of his forfeiting the Sum of Fifty Pounds for every such Cock which shall be otherwise constructed.

Distiller, Rectifier, and Compounder to provide proper Cocks, Pumps, Fastenings, &c. at his own Expense.

XXVII. Every Distiller, Rectifier, and Compounder respectively shall, at his own Expense, provide, maintain, and keep the several Utensils, Cocks, Pumps, Pipes, and Troughs which are required by this Act, and shall also at his own Expense provide, maintain, and keep proper and sufficient Fastenings for securing the several Cocks and Plugs by this Act directed to be secured, and for securing the Covers of or belonging to the Chargers and Receivers herein-before mentioned respectively, and also for securing the Pumps, Vessels, and Utensils allowed or required for the Purposes mentioned in this Act; and the Officer surveying any Distillery shall lock, secure, and fasten the several Cocks, Plugs, Covers, Pumps, Pipes, Vessels, and Utensils for which Fastenings are required to be provided in such Manner as the Commissioners may direct, and shall keep the same so locked, secured, and fastened at all Times, except when he shall be required under the Provisions of this Act to attend, and shall attend to unlock and open the same.

All Cocks, Plugs, Pumps, &c. to be kept and affixed to the Satisfaction of the Officer, and repaired at the Expense of the Distiller, Rectifier, and Compounder.

Penalty for Neglect.

XXVIII. All Cocks, Plugs, Pumps, Pipes, Troughs, and other Utensils required by this Act shall be provided, placed, and affixed as by this Act directed, and kept in proper Repair and Condition by and at the Expense of the Distiller, Rectifier, or Compounder to the Satisfaction of the Supervisor or other superior Officer; and if a Distiller, Rectifier, or Compounder shall not, before he shall proceed to brew or make Wort or Wash, or to distil, rectify, or compound Spirits, provide, place, and affix, or shall not afterwards maintain all such Cocks, Plugs, Pumps, Pipes, Troughs, and Utensils to the Satisfaction of the proper Supervisor or other superior Officer, or shall not cause the same to be altered, amended, repaired, or renewed when and as often as he shall be required by such Supervisor or superior Officer, such Distiller, Rectifier, or Compounder so offending shall forfeit the Sum of Two hundred Pounds; and if a Distiller, Rectifier, or Com-

Penalty for Fraud.

pounder shall place, affix, or make any Cock, Plug, Pipe, Conveyance, or Opening to or in or into or from any Vessel or Utensil contrary to any Prohibition contained in this Act, or if he shall, in the Construction of any Cover, Fastening, Cock, Plug, Pump, or Pipe, cause or procure the same to be so made, or shall use the same when so made, as that any Vessel or Utensil may be employed, opened, removed, filled, or emptied in the Absence of the proper Officer, or so as in any Manner to avoid or defeat the Security intended to be given or provided by any of the Regulations of this Act, such Distiller, Rectifier, or Compounder shall forfeit the Sum of Five hundred Pounds.

Backs and fixed Vessels for keeping Spirits of Distillers, Rectifiers, and Compounders, Dealers and Retailers to have a Dipping Place therein, and be gauged and tabled by the Officers.

XXIX. At or near the Top of every Fermenting Wash Back, and of every fixed and entered Vessel for storing or keeping Spirits in the Premises of a Distiller, Rectifier, or Compounder, Dealer or Retailer, there shall be an Opening or Dipping Place, at which the Officer may conveniently take his Dip or Gauge of the Contents of such Vessel; and a Plate of Brass or other Metal shall be fixed at such Dipping Place to secure the same from being worn or altered; and all such Backs and Vessels respectively shall be gauged and tabled by the Officers in such Manner as shall be directed by the Commissioners, and shall be placed and kept in convenient Situations, and be at all Times easy of Access to the Officer for his more readily and effectually examining the same in every Part, and taking the Dip or Gauge thereof; and if in any Back or Vessel there shall not be such Opening or Dipping Place so constructed and secured as aforesaid, or if any Back or Vessel shall not be placed and kept in a convenient Situation and easy of Access to the Officer, or if the Officer shall by any Means or in any Manner whatever be prevented from ascertaining the Quantity and Gravity, or either of them, of the Wort or Wash contained in any Fermenting Wash Back, or the Quantity or Strength of any Low Wines, Feints, or Spirits in any Vessel, the Distiller, Rectifier, or Compounder, Dealer or Retailer, shall forfeit the Sum of Two hundred Pounds.

Commissioners may order more than One Dipping Place to be made in Spirit Receivers or in the Covers of Store Casks or Vats of Distillers.

XXX. The Commissioners, where they shall see fit, may order that there shall be Two or more such Dipping Holes as aforesaid in the Cover of any Spirit Receiver and in the Cover of any Store Cask or Vat used in a Distillery; and such Dipping Holes shall be made in such Places in the Cover of the Receiver, Store Cask, and Vat respectively as the Commissioners shall direct; and in One of such Dipping Holes in the Spirit Receiver there shall be placed a Dipping Rod, provided by the Officer, who shall secure the same in such Manner as to him shall seem expedient to prevent the Removal thereof; and each of the other Dipping Holes in the Spirit Receiver, and also the

the Dipping Holes in the Store Cask or Vat, shall be secured in such Manner as the Supervisor shall think proper; and if a Distiller shall refuse or neglect to cause such Dipping Holes or any additional Dipping Hole to be made, pursuant to the Order or Direction of the Commissioners, in any Spirit Receiver, or in any Spirit Store Cask or Vat used in his Distillery, or if he shall remove the Dipping Rod out of a Receiver, or remove the Fastening from any Dipping Hole, or otherwise gain Access to the Spirits in any such Vessel as aforesaid by means of any Dipping Hole, he shall forfeit the Sum of Two hundred Pounds.

Penalty if Dipping Place of any Still or Vessel be altered, or any Device used to deceive the Officer.

XXXI. If the Opening or Dipping Place or the Level of any Still, Back, Receiver, Store Cask, Vat, or other Vessel or Utensil in the Distillery or Premises of a Distiller, Rectifier, or Compounder, Dealer or Retailer, shall be in any Manner altered, or if any Device or Contrivance whatever shall be used to deceive any Officer in taking the Dip or Gauge of any Still, Back, Receiver, Store Cask, Vat, or other Vessel or Utensil, or to prevent any Officer from taking a true Account of the Quantity of Wort, Wash, Low Wines, Feints, or Spirits which may be contained therein respectively, the Distiller, Rectifier, or Compounder, Dealer or Retailer, shall forfeit the Sum of Two hundred Pounds.

Penalty on Distiller, Rectifier, or Compounder if the Position or Size of any Still or Vessel be altered without Notice.

XXXII. If the Situation, Position, Size, or Capacity of any entered Still, Back, Receiver, or other Vessel, Utensil, or Pipe in the Distillery or Premises of a Distiller, Rectifier, or Compounder shall be in any Manner altered after Entry made thereof, or after the proper Officer shall have ascertained the Capacity or Content thereof, unless on such Notice as is herein provided, the Distiller, Rectifier, or Compounder shall forfeit the Sum of Two hundred Pounds; but it shall be lawful to alter the Size, Situation, or Position of any entered Still, Back, Receiver, or other Vessel or Utensil or Pipe, or to erect and set up any new one, on giving Two Days Notice in Writing of such intended Alteration to the proper Officer, specifying the particular Still, Back, Receiver, or other Vessel, Utensil, or Pipe the Size, Situation, or Position whereof is intended to be altered, and on making due Entry of such new one, and conforming in all respects to the Regulations in this Act contained in that Behalf.

Commissioners may authorize Distillers and others to use their present Utensils,

XXXIII. Provided always, That it shall be lawful for the Commissioners to permit a licensed Distiller, Rectifier, or Compounder working under the Regulations of any Act in force prior to the passing of this Act to keep or use such of the Vessels or Cocks already fixed or used in his Distillery or Premises as shall in the Judgment

although not conformable to the Provisions of this Act.

Judgment of the Commissioners be secure and adapted to the Purposes for which the same are respectively prescribed or required by this Act; and no Person to whom such Permission shall be granted shall be liable to any Penalty under this Act in respect of his keeping or using any such Vessels or Cocks so permitted, although the same may not be conformable to the Provisions hereof.

Officer may require the Water to be drawn off from the Worm Tub for Examination of the Worm and Tub.

XXXIV. Whenever any Officer shall require that the Water contained in any Worm Tub in a Distillery, at any Time when the Still shall not be at Work, shall be drawn off, and the Tub and Worm cleansed, the Water shall forthwith be drawn off, and the Tub and Worm cleansed by the Distiller or his Servants or Workmen accordingly; and the Water shall be kept and continued out of such Worm Tub for the Space of Two Hours, or until the Officer has finished his Examination thereof; and for any Refusal or Neglect to comply with the Requisition of the Officer in this Behalf, or the Provision in this Clause contained, the Distiller shall forfeit the Sum of Two hundred Pounds, and it shall be lawful for the Officer to draw off such Water, or any Portion of it, and to keep the same drawn off for so long a Time as he shall think necessary.

The true Content to be marked on moveable Casks, and also the Name or Firm of the Distiller, &c. and the Place where his Stock is kept.

XXXV. Every Distiller, Rectifier, and Compounder respectively shall cause to be legibly cut, branded, or painted with Oil Colour, on the Outside of both of the Heads or Ends of every rolling or moveable Cask used in his Distillery or Premises for keeping or delivering out Spirits, and shall at all Times keep so cut, branded, or painted thereon, his Name or Firm, and the Name of the Place where his Stock is kept, and also the full and true Number of Gallons, and when the Number is less than Eighty Gallons any Quarter or Quarters of a Gallon over and above any Number of entire Gallons which any such Cask shall be capable of containing; and if any Cask which shall be used for any Purpose aforesaid shall not have so cut, branded, or painted thereon the several Particulars aforesaid according to the Directions of this Act, such Cask, together with any Spirits contained therein, shall be forfeited.

Making Entry of Premises and Utensils, and Regulations having reference to licensed and entered Premises.

Utensils and Rooms to be marked.

XXXVI. Every Distiller, Rectifier, and Compounder respectively shall cause to be legibly painted with Oil Colour, and shall keep so painted, upon some conspicuous Part of every Vessel and Utensil intended to be used by him in his Trade or Business, and on the Outside of the Door of every Room and Place wherein any Part of

of his Trade or Business is to be carried on, or any Spirits are to be kept, the Name of such Vessel or Utensil, Room or Place, according to the Purpose for which it is intended to be used, and shall also paint thereon, in like Manner, separate Numbers relating to the same respectively, in arithmetical Progression, beginning with Number One for each Denomination or Description of Vessel or Utensil, Room or Place, upon pain of forfeiting the Sum of Fifty Pounds for every Neglect or Omission in this respect.

Entry to be made of the several Places and Utensils of Trade.

XXXVII. Before a Distiller shall give notice of brewing or making and before he shall begin to brew or make Wort or Wash, and before a Rectifier or Compounder shall receive, rectify, or compound Spirits, such Distiller, Rectifier, and Compounder respectively shall make Entry by delivering or causing to be delivered to the proper Officer, to be by him entered and registered, an Account in Writing signed by the Distiller, Rectifier, or Compounder, setting forth his Name and Place of Abode, and the Place where the Premises intended to be entered are situated, and also setting forth a true and particular Description of every Vessel and Utensil intended to be therein used for the Purposes of such Trade or Business, and the Number of Gallons which every Still, together with the Head thereof, is capable of containing, or the Number of Gallons of Wash *per* Hour which every Distilling Apparatus is capable of distilling; and specifying fully and distinctly the Purpose for which each Vessel and Utensil is intended to be used; and also an Account of the several Houses, Rooms, and Places to be used for distilling, rectifying, or compounding Spirits therein, or in which any Part of such Business is to be carried on, or any Spirits are to be kept or deposited, and specifying also the particular Purpose for which every such House, Room, and Place is to be used; and in such written Account every Utensil, and every House, Room, and Place respectively, shall be distinguished by the separate and distinct Number and Name relating thereto respectively, which shall have been painted thereon pursuant to the Provision herein contained in that Behalf; and every such Account shall be in such Form and shall contain such Particulars as shall be from Time to Time required or directed by the Commissioners; but no Still or other Vessel or Utensil, nor any House, Room, or Place, shall be described in such Account as intended to be used for more than One Purpose respectively; and every Entry in which any Still or other Vessel, House, Room, or Place shall be described as intended to be used for Two or more Purposes shall, as regards such Distiller, Rectifier, or Compounder, be deemed to be void, and he shall forfeit the Sum of Two hundred Pounds.

No Still or Utensil to be entered as used for more than One Purpose.

XXXVIII. And

Drawing or Model to be given showing the Course of every fixed Pipe to be used in a Distillery, or by a Rectifier or Compounder.

XXXVIII. And with every such Account as aforesaid there shall be delivered a Drawing, Model, or Description distinctly showing the Course, Construction, and Use of all fixed Pipes to be used by the Distiller, Rectifier, or Compounder, and of every Branch thereof, and of every Cock thereon, together with every Place, Vessel, or Utensil from or to or with which any such Pipe shall lead or communicate; and every Pipe to be used by the Distiller, Rectifier, or Compounder, except for the Conveyance of Water and spent Wash only, shall be so fixed and placed as to be capable of being examined by the Officer for the whole of its Length or Course, and shall be painted and kept painted as herein-after mentioned; that is to say, every Pipe for the Conveyance of Wort or Wash shall be painted of a Red Colour, every Pipe for the Conveyance of Low Wines or Feints shall be painted Blue, every Pipe for the Conveyance of Spirits shall be painted Black, and every Pipe for the Conveyance of Water shall be painted White; and if any Pipe shall be used by a Distiller, Rectifier, or Compounder not set forth as aforesaid, or for any other Purpose than shall be so set forth, or which, except as aforesaid, shall not be fixed or placed, or painted and kept painted as herein directed, or which shall be painted otherwise than as herein directed, he shall forfeit the Sum of Fifty Pounds.

Penalty for using any Still, Utensil, &c., or Place not duly entered or contrary to the Entry.

XXXIX. If a Distiller, Rectifier, or Compounder shall use a Still, Vessel, or Pipe, or any Utensil whatever for any Purpose connected with the distilling, rectifying, or compounding of Spirits, or a fixed Cask for holding Spirits, or a House, Room, or Place for carrying on any Part of the Process of Distillation, Rectification, or compounding of Spirits, or for the keeping of Spirits, which Still, Vessel, Pipe, Utensil, Cask, House, Room, or Place shall not be set forth in the Account required to be signed and delivered by him as aforesaid, or which shall not be numbered as set forth in such Account, or which shall be in any other Place, or be used or applied for or to any other Purpose than shall be set forth in such Account, or shall not in all respects correspond with the Representation thereof as set forth therein, he shall forfeit the Sum of Five hundred Pounds; and every such Still, Vessel, Pipe, or other Utensil or Cask, and all Spirits or Materials for distilling or making Spirits which shall be contained therein, or which shall be found in any such House, Room, or Place, shall be forfeited.

No Entry of any Distillery or Utensils to be withdrawn whilst Wash

XL. No Entry of any Distillery, Place, or Utensil for the Purpose of distilling Spirits shall be withdrawn whilst any Still, or any Wash, Low Wines, or other Materials preparing or fit for Distillation are remaining in any of the Places or in any of the Utensils mentioned in

in such Entry; and the Officers shall continue to survey the Distillery, Places, and Utensils mentioned in the Entry until all Stills shall be removed and the Wash, Low Wines, and other Materials shall be worked off, and the Duties charged on the Produce thereof paid, or until the Spirits made therefrom shall be legally removed from the entered Places.

or other Materials for Distillation remain therein.

XLI. No Person shall make Entry of or use any House or Premises for rectifying or compounding Spirits, or for receiving or keeping Spirits by any Rectifier or Compounder, within the Distance of One Quarter of a Mile in a direct Line from any House or Premises which shall be entered or used for preparing Wort or Wash, or for making or distilling Spirits, or for receiving or keeping Spirits by a Distiller; nor shall any Person make entry of or use any House or Premises for preparing Wort or Wash, or for making or distilling Spirits, or for receiving or keeping Spirits by a Distiller within the Distance of One Quarter of a Mile in a direct Line from any House or Premises which shall be entered or used for rectifying or compounding Spirits, or for receiving or keeping Spirits by a Rectifier or Compounder, on pain of forfeiting in every such Case the Sum of Five hundred Pounds for every Week that any such House or Premises shall be entered or used respectively, contrary to any such Prohibition as aforesaid; and the Entry of any such House or Place so made use of contrary to the Intent and Meaning hereof shall, as regards the Person making the same, be null and void; but the Prohibition and Penalty aforesaid shall not extend to any House or Premises entered and used in the Manner herein prohibited on the Fifth Day of *April* One thousand eight hundred and twenty-five, provided such House or Premises have ever since continued, and so long only as the same shall continue, to be so entered and used, and there shall be no Way, Opening, or Communication whatsoever by which Wort, Wash, or Spirits can be removed or conveyed otherwise than through an open public Street or Carriageroad from or to such House or Premises entered or used by a Distiller to or from any such House or Premises entered or used by any other Distiller, or a Rectifier or Compounder.

Rectifying House not to be within a Quarter of a Mile of a Distillery, nor a Distillery within a Quarter of a Mile of a rectifying House or of another Distillery.

XLII. No Person shall, upon the same Premises, carry on the Trade or Business of a Distiller, or of a Rectifier or Compounder keeping or using a Still, and of a Brewer of Beer, or of a Maker of Sweets, Vinegar, Cyder, or Perry, or of a Refiner of Sugar, or of a Dealer in or Retailer of Wine, nor shall any Person enter or use for the carrying on of either of the said Trades or Businesses of a Distiller or Rectifier or Compounder keeping or using a Still any House

Distiller or Rectifier or Compounder not to be a Brewer or a Maker of Sweets, Vinegar, Cider, or Perry, or a Refiner of

Sugar, nor carry on his Business on Premises having any private Communication with the Premises of any such Trader.

House or Premises having any Communication, Opening, or Way internally or through any enclosed or private Yard, Garden, Field, Passage, private Road or Place, or otherwise than through an open public Street or Carriageroad with any other House or Premises used or employed by any Brewer of Beer, or Maker of Sweets, Vinegar, Cyder, or Perry, or Refiner of Sugar, or by any Dealer in or Retailer of Spirits, or by any Dealer in or Retailer of Wine, on pain of forfeiting the Sum of Two hundred Pounds; but where any House or Premises shall have been so entered and made use of as aforesaid by any Person on the Fifth Day of *April* One thousand eight hundred and twenty-five, and shall have continued to be so entered and used up to the Time of the Commencement of this Act, under the special Licence of the Commissioners of the Treasury in that Behalf, it shall be lawful for the Person to whom such Licence was granted to continue the use of such Premises upon the Terms and Conditions on which such Licence was granted until the Expiration or Revocation thereof.

Distillers, Rectifiers, and Compounders to affix a Board on the Front of their Premises importing that they are licensed.

XLIII. Every licensed Distiller, Rectifier, or Compounder shall cause to be painted in Oil Colour, in Letters publicly visible and legible, at least Three Inches in Height, and of a proper and proportionate Breadth, and in White on a Black Ground, the Name or Firm of such Distiller, Rectifier, or Compounder at full Length, followed by the Words "Licensed Distiller" or "Licensed Rectifier," or "Licensed Compounder," as the Case may be; and the Distiller, Rectifier, or Compounder shall cause such Painting to be done or affixed in some conspicuous Place on the Outside of the Front of his Distillery or entered Premises, over the Gate or Entrance Door thereto, not more than Three Feet from the Top of such Gate or Entrance Door, and shall preserve and keep up such Painting during the Continuance of his Licence, and for any Neglect or Default herein he shall forfeit the Sum of Fifty Pounds; and if any Person on or before whose House or other Place any Painting, Board, or Sign shall be affixed or placed importing that such Person is a Distiller, Rectifier, or Compounder, or exercises or carries on the Trade of a Distiller, Rectifier, or Compounder, or purporting that such Person is licensed so to do, shall not at the Time be duly licensed for such Purpose, he shall forfeit the Sum of Fifty Pounds.

Penalty on unlicensed Persons affixing such Board.

Admission of Officers into entered Premises, and Power to search.

Officers empowered to enter Distilleries and Premises of

XLIV. It shall be lawful for any Officer, at all Times, as well by Night as by Day, to enter into every House, Distillery, Still House, Outhouse, and Place whatsoever of or belonging to or made use of by

by any Distiller, Rectifier, or Compounder, and to gauge, measure, and take an Account of every Still or other Vessel or Utensil of any Kind kept or used therein, and to gauge and take an Account of the Quantity and Strength of all Spirits and Compounds therein, and of all Low Wines and Feints which shall be made or distilled, and of the Quantity and Gravity of all Wort and Wash which shall be made use of in any Distillery, and of all Bub and other Compositions for exciting or producing Fermentation in any Wort or Wash, and of all Spirits, and Materials for making or distilling Spirits, which shall be in any Distillery or Premises, or in the Possession of any Distiller, Rectifier, or Compounder; and if any Officer, or any Person acting in his Aid, shall be hindered, obstructed, or prevented by any Distiller, Rectifier, or Compounder, or by any Servant, Workman, or other Person acting for him or in his Employ, from entering into any Distillery, or any House, Outhouse, or other Place whatsoever of or belonging to or made use of by such Distiller, Rectifier, or Compounder, or if any such Officer or Person shall be, by the Distiller, Rectifier, or Compounder, or his Servant or Workman, or any Person in his Employ, prevented or hindered from, or opposed, obstructed, or molested in the Performance of his Duty under this Act in any respect, the Distiller, Rectifier, or Compounder shall forfeit the Sum of Two hundred Pounds.

Rectifiers and Compounders to gauge, &c.

Penalty for obstructing Officers.

XLV. If any Officer, after having demanded Admittance into the Distillery or entered Premises of a Distiller, Rectifier, or Compounder, and having declared his Name and Business at the Gate or Entrance Door, or at any Window of the Distillery or Premises, shall not be immediately admitted into such Distillery or Premises, it shall be lawful for such Officer, and any Person acting in his Aid, at all Times, as well by Night as by Day (but if by Night then in the Presence of a Constable or other Peace Officer), to break open by Force any of the Doors or Windows, or to break through any of the Walls of such Distillery or Premises necessary to be broken open or through to enable him and them to enter the said Distillery or Premises; and moreover the Distiller, Rectifier, or Compounder shall forfeit the Sum of Two hundred Pounds.

Penalty for not giving Admission to the Officer after declaring his Name and Business.

Officer may break open Distillery or entered Premises on being refused Admittance.

XLVI. If, on Demand of any Officer, made in the Distillery or entered Premises of a Distiller, Rectifier, or Compounder, strong, safe, and convenient Ladders of sufficient Length to enable the Officer to ascend to and examine and gauge and descend from any Vessel or Utensil in such Distillery or Premises, shall not be provided and conveniently and firmly placed, or if any such Ladder shall not be fixed at or in the Part of such Vessel or Utensil where such Officer shall require, or if on a Visit made by any Officer, by Day or by Night,

Distillers, Rectifiers, and Compounders to furnish Officers with Ladder and Lights.

sufficient Lights and Aid shall not, on his Demand, be supplied for the Purpose of enabling him to gauge or ascertain the Content or Capacity of any Vessel or Utensil, or to search for and gauge and take an Account of any Wort, Wash, Bub, Low Wines, Feints, and Spirits, or of any Materials which may be used for Distillation in such Distillery or Premises, or in the Possession of the Distiller, Rectifier, or Compounder, the Distiller, Rectifier, or Compounder shall forfeit the Sum of One hundred Pounds.

Officers may break up Ground in Distillery or rectifying Premises to search for private Pipes, &c.

XLVII. It shall be lawful for any Officer and any Person acting in his Aid, by Night or by Day, to break up the Ground in any Part of the Distillery or entered Premises of a Distiller, Rectifier, or Compounder, or any Ground adjoining or near to such Distillery or Premises, or any Wall or Partition thereof or belonging thereto, or other Place, to search for any Pipe or Cock, or private Conveyance or Utensil, and upon finding any such Pipe or Conveyance leading therefrom or thereto to break up any Ground, House, Wall, or other Place through or into which such Pipe or other Conveyance shall lead, and to break up or cut away such Pipe, Cock, or other Conveyance, and to turn any Cock, and to examine whether such Pipe or other Conveyance may convey or conceal any Wort, Wash, or other Liquor which may be used for Distillation, or Low Wines, Feints, or Spirits, from the Sight or View of the Officer, so as to prevent or hinder him from taking a true Account thereof.

Upon Oath made of Grounds to suspect any private concealed Still or private Distillation, a special Warrant to break open the suspected House, and to seize such Stills, Spirits, &c., may be granted.

XLVIII. If any Officer of Excise or Customs shall know or have Cause to suspect that a private or concealed Still, Back, or other Vessel or Utensil for making Worts or Wash, or for making or distilling Low Wines or Spirits, or any privately made Spirits or Low Wines, or any Wash or other Materials preparing for Distillation, are kept or deposited in any House or Place, then, if such House or Place shall be within the Limits of the Chief Office, upon Oath made by such Officer before Two of the Commissioners, or before any Metropolitan Police Magistrate sitting at a Metropolitan Police Court, or if the same shall be at any Place out of the said Limits, then upon Oath made by such Officer before a Justice of the Peace of the County or Place, setting forth the Ground of Suspicion, it shall be lawful for the said Commissioners or Magistrate or Justice before whom such Oath shall be made, if they or he shall judge it reasonable, by Warrant under their Hands respectively, to authorize and empower such Officer, and any Person whom he may call to his Assistance, by Day or by Night (but if in the Night-time then in the Presence of a Constable or other lawful Officer of the Peace, who is hereby required to be aiding therein), to break open the Door or any Part of such House or Place where he shall so know or suspect such private or concealed Still, Back,

Spirits.

Back, or other Vessel, Utensil, Spirits, Low Wines, Wash, or Materials for Distillation are so kept or deposited, and to enter into such House or Place, and to seize all Stills, Backs, or other Vessels and Utensils, and all Spirits, Low Wines, Wash, and other Materials preparing for Distillation, which he shall find and discover, and either to detain and keep the same in the House or Place where found, or to remove the same to the Office of Excise or other Place of safe Custody near to the Place where the same shall be so discovered and found; and in case the same shall not within Ten Days next after the Seizure be claimed by the true and lawful Owner thereof, then they shall be absolutely forfeited; and the Proprietor of any private or concealed Still, Back, or other Vessel or Utensil, or the Person in whose Custody the same shall be found, whether the same be claimed or not, shall forfeit for every Place in which the same shall be found, and also for every such Still, Back, Vessel, and Utensil found therein, the Sum of Two hundred Pounds; and if any Person shall obstruct, oppose, molest, or hinder any Officer of Excise or Customs, or other Person acting in his Aid, in the seizing of any such private or concealed Still, Back, or other Vessel or Utensil, Spirits, Low Wines, Wash, or other Materials for Distillation, or in detaining or keeping or removing the same or any of them after Seizure, the Person so offending shall forfeit the Sum of Two hundred Pounds: Provided always, that any Officer of Excise or Customs may lawfully seize any such private or concealed Still, Back, or other Vessel or Utensil, Spirits, Low Wines, Wash, or other Materials for Distillation, without such Warrant as aforesaid.

Penalty for obstructing Officer.

Materials for the Distillation of Spirits.

XLIX. No Distiller shall distil or make Spirits otherwise than from Wort or Wash brewed or made in his Distillery; and it shall not be lawful for a Distiller to have in his Possession any Wort, Wash, Low Wines, Feints, or fermented Liquor which shall not have been brewed or made in his Distillery under the Provisions of this Act, on pain of forfeiting the same, and also the Penalty of Two hundred Pounds.

Distiller to use only Wort or Wash made in his Distillery.

L. In the brewing or making of Wort or Wash for the Distillation of Spirits, a licensed Distiller may use any Material whatever, provided the Wort or Wash produced therefrom be capable of having the Gravity thereof ascertained by any Saccharometer approved of by the Commissioners for that Purpose.

What Materials may be used in making Wort.

LI. Provided always, That if, during the Recess of Parliament, it shall, from the excessive Price of Corn, appear to Her Majesty to be expedient, it shall be lawful, by Her Majesty's Royal Proclamation, to be issued by and with the Advice of Her Privy Council, or by Her Order in Council to be published in the *London Gazette*, to prohibit

During the Recess of Parliament Her Majesty may, by Proclamation, prohibit the Distillation

Spirits.

of Spirits from Corn.

prohibit the distilling or making of Spirits from Barley, Malt, or any Sort of Grain, and from Meal or Flour, during such Recess, and until Twenty Days after the Commencement of the then next Session of Parliament.

Distiller may grind Malt with Mill Stones

LII. Malt to be used by any Distiller in the Distillation of Spirits may be ground by Mill Stones or by such other Means as he may think fit in the secured Mill Room at his Distillery.

As to the using of Sugar, Molasses, and Treacle in the Distillation of Spirits.

Distillers, on giving Security, to have Duty-free Sugar and Molasses delivered to them, to be used in distilling Spirits.

LIII. Every Distiller who shall have given Security as hereinafter mentioned shall be entitled to remove, on such Terms and Conditions and in such Manner as the Commissioners of Inland Revenue shall think fit, Sugar and Molasses, without previously paying the Duties of Customs or Excise thereon, from any Customs or Excise Warehouse in which the same may be deposited to the proper Store-room at his Distillery provided for Sugar and Molasses, for the sole Purpose of being consumed in the distilling of Spirits; and all such Sugar and Molasses which shall be so consumed shall be free from the Duties of Customs or Excise.

Distiller to give Bond, with Sureties conditioned to secure the due Consumption of Duty-free Sugar and Molasses in the distilling of Spirits.

LIV. Every Distiller intending to use Sugar or Molasses Duty-free in the distilling of Spirits shall enter into a Bond to Her Majesty, with sufficient Sureties, to the Satisfaction of the Commissioners of Inland Revenue or the Commissioners of Customs, and in such Sum as the said respective Commissioners shall think proper, conditioned that all Sugar and Molasses which shall be from Time to Time delivered to him from any Warehouse without Payment of the Duties of Customs or Excise thereon shall be forthwith duly conveyed to and deposited in the proper Store-room for Sugar and Molasses provided at his Distillery, and shall from Time to Time within the Space of One Calendar Month next after the Delivery thereof from any such Warehouse be used and consumed by him solely in the distilling of Spirits in his Distillery; and the Condition of such Bond shall also contain all such further Terms and Stipulations as the said Commissioners respectively shall deem to be necessary or proper for preventing Frauds in relation to the Use or Disposal of Sugar or Molasses delivered Duty-free for the Purpose aforesaid; and the Distiller shall give a fresh Bond, with Sureties, as aforesaid, when and as often as he shall be required so to do by the said Commissioners respectively, and in default thereof he shall not be entitled to have Sugar or Molasses Duty-free.

No Sugar or Molasses to be received

LV. No Distiller shall receive into his Possession any Sugar or Molasses, to be used for the Distillation of Spirits, except from the Warehouse

Warehouse in which the same was warehoused under the Laws and Regulations of the Customs or Excise, and in the same State, and in the same Hogsheads, Puncheons, Casks, Bags, or Packages, with the same Marks and Numbers thereon in which it was cleared and delivered from the Warehouse; and all such Sugar or Molasses shall be accompanied with a Certificate from the proper Officer of Customs or Excise, setting forth the Name of the Warehouse or Place from which the Sugar or Molasses is removed, and the Name of the Distillery and Distiller where and to whom the same is to be carried, and the Kind or Quality of such Sugar or Molasses, and the Number of Hogsheads, Puncheons, Casks, Bags, and Packages in which the same is contained, together with the Marks and Numbers thereon respectively, and the Tare and Net Weight of each; and every Distiller who shall receive into his Possession any Sugar or Molasses except as aforesaid, or without the same being accompanied with such Certificate as aforesaid, shall forfeit the Sum of Two hundred Pounds, and all such Sugar or Molasses shall also be forfeited.

by Distillers except from the Customs or Excise Warehouse, and in the same State as when cleared, and accompanied with a Certificate from the Officer.

LVI. No Distiller shall receive into his Possession any Treacle for the Distillation of Spirits, except from the Warehouse of the Sugar Refiner or Manufacturer of such Treacle from Sugar or Molasses, and in the same State, and in the same Hogsheads, Puncheons, or Casks (none of them being of less Content than Fifty Gallons), with the same Marks and Numbers thereon, in which the same was first prepared and packed in Warehouse; and all such Treacle shall be accompanied with a Certificate from the Sugar Refiner or Manufacturer by whom the same was made or prepared, setting forth the Name of the Warehouse or Place where such Treacle was made, and from which the same was removed, and the Name of the Distillery and Distiller whither and to whom the same is to be carried, and the Number of Hogsheads, Puncheons, and Casks in which the same is contained, together with the Marks and Numbers thereon respectively, and the Tare and Net Weight of each; and every Distiller who shall receive into his Possession any Treacle otherwise than as aforesaid, or without the same being accompanied with such Certificate as aforesaid, shall forfeit the Sum of Two hundred Pounds, and all such Treacle shall also be forfeited.

No Treacle to be received by Distillers, except from the Refiner or Manufacturer, and in the same State and Packages as when first packed, nor unless accompanied with a Certificate from the Refiner or Manufacturer.

LVII. Every Distiller intending to use Sugar, Molasses, or Treacle in the Distillation of Spirits shall provide and keep a separate and convenient and secure Storehouse or Room for each (if so required by the Commissioners) at his Distillery, which Storehouse or Room shall be sufficiently lighted, and shall be subject to the Approval of the Commissioners, for the Purpose of depositing and securing therein the Sugar, Molasses, or Treacle received by him for the Distillation

Distiller using Sugar Molasses, or Treacle to provide a Storehouse at his Distillery in which the same shall be

deposited and secured.

of Spirits; and every such Storehouse or Room, when so approved of, shall be specially entered by the Distiller for the Purpose aforesaid, and the Collector or Supervisor shall provide and affix proper Locks thereto, and the Distiller may, if he please, at his own Expense, provide and affix other Locks thereto, the Keys of which last-mentioned Locks he may keep; and in such separate Storehouse or Room the Distiller shall keep all Sugar, Molasses, or Treacle received by him, and which shall be deposited therein in the Presence of the proper Officer, and on such Notice as after mentioned; and no Sugar, Molasses, or Treacle shall be delivered or removed out of such Storehouse or Room except in the Presence of the Officer, and on such Notice as after mentioned, and for the Purpose of being conveyed immediately to the Mash Tun or to such other Vessel as, with the Approbation of the Commissioners, shall be entered for that Purpose, to be there immediately dissolved and used in the Manufacture of Spirits; and if any Distiller shall refuse or neglect to provide and keep such Storehouse or Room, or to make Entry thereof as aforesaid, or shall deposit therein or remove therefrom any Sugar, Molasses, or Treacle, except in the Presence of and upon due Notice to the proper Officer, and except for such Purpose as aforesaid, or shall not deposit in a separate and secure Storehouse or Room as aforesaid all Sugar, Molasses, or Treacle received by him, he shall forfeit the Sum of Two hundred Pounds; and all Sugar, Molasses, and Treacle deposited or removed contrary hereto shall also be forfeited.

No Sugar, &c. to be removed out of such Storehouse except in the Presence of the Officer.

Distiller to give 12 Hours Notice to the Officer of receiving Sugar, &c., and produce the same to him in the same State as received to be deposited in the Storehouse.

LVIII. Every Distiller shall, before receiving any Sugar, Molasses, or Treacle to be used for the Distillation of Spirits, give Twelve Hours previous Notice in Writing to the Officer surveying his Distillery of the Time when the same is to arrive; and the Distiller shall, on the Attendance of the Officer on such Notice, produce to him all the Sugar, Molasses, or Treacle respectively received by him, in the same State, and in the same Hogsheads, Puncheons, Casks, Bags, or Packages, with the same Marks and Numbers thereon, as when cleared and delivered from the Customs or Excise Warehouse if Sugar or Molasses, or as when prepared and packed in the Warehouse of the Sugar Refiner or Manufacturer thereof if the same be Treacle; and the Distiller shall at the same Time deliver up to the Officer the Certificate which accompanied such Sugar, Molasses, or Treacle, and on being required by the Officer the Distiller shall weigh or cause to be weighed, and shall give the Officer all necessary Assistance in taking account of all such Sugar, Molasses, and Treacle, in such Manner as the Commissioners may direct; and the Officer after due Examination, and on being satisfied therewith, shall permit the Distiller to deposit the same in the Storehouse or Room provided as before mentioned; and if a Distiller shall receive any Sugar, Molasses, or Treacle without having given such Notice, or shall fail to produce such

such Sugar, Molasses, or Treacle, or to deliver up such Certificate as aforesaid, or if, before such Officer has seen such Sugar, Molasses, or Treacle weighed and taken account of and deposited, the Distiller shall make any Alteration in the Quantity or Quality thereof, or in the Hogsheads, Puncheons, Casks, Bags, or Packages containing the same, or in the Marks or Numbers thereon respectively, when such Sugar or Molasses was cleared and delivered from the Customs or Excise Warehouse, or when such Treacle was prepared and packed in the Warehouse of the Sugar Refiner or Manufacturer thereof, such Distiller shall forfeit the Sum of Two hundred Pounds, and all such Sugar, Molasses, and Treacle shall also be forfeited.

Four Hours Notice to be given before removing Sugar, &c. from the Storehouse to the Mash Tun.

LIX. When a Distiller shall be desirous of taking Sugar, Molasses, or Treacle out of the Storehouse or Room, for the Purpose of using the same for the Distillation of Spirits, he shall give Four Hours previous Notice in Writing to the proper Officer of the Time when he desires to take out the same, and specify the Quantity thereof; and the Officer receiving such Notice shall attend at the Time therein mentioned, and shall unlock the Storehouse or Room from which the Sugar, Molasses, or Treacle is to be removed, and shall see weighed out therefrom the Quantity expressed in such Notice, and the same shall be delivered from the Storehouse or Room in the original Package only, and shall then be conveyed directly from the Storehouse or Room to the Mash Tun, or to such other Vessel as, with the Approbation of the Commissioners, shall be entered for that Purpose, to be there dissolved and used in the Manufacture of Spirits, or shall forthwith be again deposited in the Storehouse or Room as aforesaid, under the Lock of the Officer, to be again removed only on the like Notice; and if a Distiller removing Sugar, Molasses, or Treacle shall not convey the same directly from the Storehouse or Room to the Mash Tun or to such other Vessel as aforesaid, and there dissolve and use the same in the Manufacture of Spirits, or otherwise forthwith deposit the same again as aforesaid, or shall remove or dispose of the same otherwise than as aforesaid, he shall forfeit the Sum of Two hundred Pounds; and all Sugar, Molasses, and Treacle so removed, and not conveyed, dissolved, and used, or again deposited as aforesaid, and all Sugar, Molasses, and Treacle found deposited in any Place in the Distillery, or in any Premises adjoining thereto, other than the separate Storehouse or Room or Mash Tun or such Vessel as aforesaid, shall also be forfeited.

Sugar, &c. to be conveyed direct from the Storehouse to the Mash Tun, or re-deposited.

Officer to keep an Account of the Stock of Sugar, &c. in the Storehouse.

LX. The proper Officer shall, in such Manner as the Commissioners may direct, keep an Account by way of Debtor and Creditor of the Sugar, Molasses, and Treacle respectively in Stock in each separate Storehouse or Room provided by the Distiller; and shall in such

such Account debit the Stock with the Quantity of Sugar, Molasses, and Treacle respectively from Time to Time deposited in the Storehouse or Room, and shall credit the Stock with the Quantity from Time to Time weighed and delivered out in his Presence; and if at any Time, upon striking a Balance on such Account, the Quantity in the Storehouse or Room be found to exceed the Quantity which by the said Stock Account ought to be therein, the Distiller shall be deemed to have deposited Sugar, Molasses, or Treacle therein without Notice to and not in the Presence of the proper Officer, and all such Excess of Sugar, Molasses, or Treacle shall be forfeited; and if the Quantity in such Storehouse or Room be found to be less than the Quantity which by the said Stock Account ought to be therein, the Distiller shall be deemed to have removed Sugar, Molasses, or Treacle therefrom without Notice to and not in the Presence of the proper Officer, and he shall over and above all other Penalties forfeit the Sum of Twenty Pounds; but such last-mentioned Penalty shall not be incurred if the Deficiency be proved to the Satisfaction of the Commissioners to have arisen from unavoidable Accident or Loss.

As to the fraudulent Disposal of Malt, Sugar, Molasses, or Treacle from a Distillery.

Distillers prohibited from selling Malt, Sugar, Molasses, &c.

LXI. It shall not be lawful for a Distiller to sell any Malt, Sugar, Molasses, or Treacle, or to send out or deliver any such Article from any Malthouse, Distillery, or other Premises belonging to him; and every Person who shall knowingly buy any Malt, Sugar, Molasses, or Treacle from a Distiller, or who shall take or receive any such Article from a Distillery, shall forfeit the Sum of One hundred Pounds; and if a Distiller shall sell any Malt, Sugar, Molasses, or Treacle, or take or send out or remove any Malt from his Malthouse (except Malt duly removed therefrom to his Distillery or for Exportation under a Permit granted in that Behalf), or take or send out or remove any Malt, Sugar, Molasses, or Treacle from his Distillery, or if a Distiller shall not use all Corn or Grain received at his Malthouse by making the same into Malt, and consume all such Malt in his Distillery, or shall convey away or conceal any Malt or Corn or Grain, or any Sugar, Molasses, and Treacle, he shall forfeit the Sum of Two hundred Pounds; and all Malt, Sugar, Molasses, and Treacle which shall be found in any Distillery or the Premises belonging thereto, otherwise than in the proper Store-room or Mill-room or in the Mash Tun, or, being duly removed to or from any such Places in the Manner directed or allowed by this Act, shall be deemed to be conveyed away and concealed by the Distiller, and shall subject him to the said Penalty in that Behalf; and all Malt, Corn, and Grain, and all Sugar, Molasses, and Treacle, which shall be respectively

respectively sold, sent out, delivered or received, or conveyed away, hidden, or concealed contrary to any of the Provisions of this Act, shall be forfeited.

Commissioners may revoke the Licence of a Distiller on a Second Conviction of certain specified Offences.

LXII. And if a Distiller shall be convicted of any of the several Offences specified in the last preceding Clause, and shall afterwards be again convicted either of the like Offence or of any other of the said several Offences specified as aforesaid, it shall be lawful for the Commissioners to revoke and annul the Licence granted to such Distiller, and to refuse to grant to him any further Licence as a Distiller at any Time thereafter, and also to refuse to grant during the Space of One Year any such Licence to any other Person to exercise the like Trade or Business at the same Premises where the Act or Offence which shall be the Ground of such Second Conviction or Judgment as aforesaid was done or committed.

Persons found unlawfully removing Malt, Sugar, &c. from a Distillery, may be arrested, and taken before a Justice, and summarily dealt with.

LXIII. And if any Person shall be found taking or removing Malt, Sugar, Molasses, or Treacle, or Wort or Wash, from any Distillery or the Premises thereto belonging, it shall be lawful for any Officer to arrest and detain such Person, and to convey him before a Justice of the Peace residing near the Place where the Arrest shall be made, who shall hear and determine, as soon after as practicable, the Charge against the Person so arrested, and on his Confession, or on due Proof upon Oath of such Offence, convict the Offender in the Penalty of One hundred Pounds; and the Person so convicted shall forthwith pay the said Penalty into the Hands of the said Officer, for the Order and Direction of the Commissioners, and in default thereof the Justice shall commit the Offender to any Gaol or Prison of the County or Place, there to be kept to Hard Labour for any Period not exceeding Six Calendar Months nor less than Two Calendar Months, unless the Penalty shall be sooner paid.

As to the brewing and fermenting of Wort, and the distilling of Wash, Low Wines, and Feints.

Distiller not to brew Wort or use a Still on Sundays.

LXIV. No Malt, Corn, Grain, or other Material shall be mashed, nor any Wort brewed or made, nor any Still used, by a Distiller, Rectifier, or Compounder, at any Time between the Hour of Eleven of the Clock in the Afternoon of any *Saturday* and the Hour of One of the Clock in the Forenoon of the next succeeding *Monday*, on pain of his forfeiting the Sum of Fifty Pounds.

Distiller to brew and distil in alternate Periods only.

LXV. In every Distillery the Periods of brewing or making Wort or Wash and distilling Spirits shall be always alternate and distinct Periods, and be called respectively the Brewing Period and the Distilling Period; and the Brewing Period shall be deemed to extend

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from the Commencement of any Process of wetting, brewing, or mashing any Malt, Corn, or Grain, or other Materials, until after every such Process shall have ceased, and all the Wort or Wash in the Distillery shall have been collected into the Fermenting Backs and Wash Charger, and the Declaration of such Collection delivered to the Officer as herein-after mentioned; and the Distilling Period shall be deemed to extend from the Commencement of the Distillation of any Wort or Wash until after all the Wort or Wash and all the Low Wines or Feints in the Distillery or in the Possession of the Distiller shall have been distilled into Spirits, and conveyed into the Spirits Receiver (except such Feints as shall have been produced by the last Re-distillation of the last Charge of the Still), and until the several Furnace Doors or the Steam Pipe of every Still in the Distillery shall have been locked and secured by the proper Officer; and (save and except as herein-after provided, and on the Condition herein-after expressed,) no Wort or Wash, or Low Wines or Feints, shall be distilled, nor any Still be made use of, in a Distillery, until the Expiration of Four Hours after the Termination of the Brewing Period; and (save and except and on Condition as aforesaid) no Malt, Corn, Grain, or other Material shall be wetted, brewed, or mashed, nor any Wort or Wash be made or produced, in a Distillery, during the Distilling Period: Provided always, that immediately after the last Portion of all the Wash in the Possession of the Distiller has been removed into the Wash Charger, he shall be allowed to begin to brew Wort, but on this express Condition only, that all such Wash shall be forthwith distilled and every Still shall be worked off and secured as aforesaid within the respective Times herein limited in that Behalf, that is to say, every Low Wines Still within Thirty-two Hours and every other Still within Sixteen Hours after the said last Portion of Wash was removed into the Wash Charger as aforesaid; and if, in any Distillery, Wort or Wash, or Low Wines or Feints, shall be distilled, or any Still be made use of, or Malt, Corn, or Grain, or other Material, shall be wetted, brewed, or mashed, or Wort or Wash shall be made or produced, during any Period hereby prohibited in that Behalf respectively, or contrary to any Condition or Provision herein contained, the Distiller shall forfeit the Sum of Five hundred Pounds.

Distiller to give Six Days Notice of beginning to brew, and of re-commencing brewing.

LXVI. Every Distiller shall, before beginning to brew or make Wort, and every Distiller who shall have discontinued making Wort for a longer Period than One Calendar Month shall, before recommencing to brew or make Wort, give Six Days Notice in Writing to the proper Supervisor or Officer, setting forth the Day on which the Distiller intends to begin or to recommence (as the Case may be) brewing or making Wort, and if any Distiller shall begin or, after Discon-

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Discontinuance, shall recommence the brewing or making of Wort, or if any Wort or Wash shall be found in the Distillery or Possession of a Distiller who shall not have given such Notice in manner and in the respective Cases aforesaid, or at any Time before the Day set forth in such Notice, or if there shall be found anywhere in his Possession Wort or Wash which he may not lawfully have in his Possession, in every such Case all such Wort or Wash shall be forfeited, and the Distiller shall forfeit the Sum of Two hundred Pounds.

Distiller to give Four Hours Notice of each Brewing of Wort.

LXVII. Every Distiller shall from Time to Time, at least Four Hours before he shall mash or brew for making Wort, deliver to the proper Officer a Notice in Writing setting forth the Day and Hour when such Mashing or Brewing is to be commenced; and if any Mashing or Brewing of any Materials shall be commenced or made in a Distillery without such Notice having been given, the Distiller shall forfeit the Sum of Fifty Pounds.

Yeast to be added only in fermenting Back.

LXVIII. No Distiller shall add Yeast or other Matter capable of causing Fermentation to any Wort or Wash in any Vessel, except the Fermenting Wash Backs, on pain of forfeiting the Sum of Two hundred Pounds for so doing.

Declaration to be given of the Quantity and Gravity of the Wort when collected in the Fermenting Back.

LXIX. All Wort shall be conveyed into and collected in the Fermenting Back within the Space of Eight Hours after the running or conveying of such Wort into such Back shall have commenced; and the Distiller shall without Delay deliver to the proper Officer a Declaration in Writing specifying the Number of the Back in which the Wort is contained, and the Gravity, or if Yeast has been added the original Gravity, of such Wort, and also setting forth the Quantity thereof by stating the Number of dry Inches, that is to say, the Number of Inches between the proper Dipping Place of the Back and the Surface of the Wort therein; and for any Neglect or Omission to comply with the Directions in this Clause contained, or for any untrue Declaration or Statement in this Behalf, the Distiller shall forfeit the Sum of Two hundred Pounds.

Penalty on Increase of Gravity or Quantity of the Wort.

LXX. If after any such Declaration as aforesaid shall have been delivered the Gravity of the Wort shall be found to exceed the Gravity specified in the Declaration, or if the Quantity of the Wort or Wash shall be found to exceed by Five *per Centum* the Quantity of Wort mentioned in the Declaration as the Quantity collected

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as aforesaid, the Distiller shall forfeit the Sum of Two hundred Pounds.

Penalty if Wort or Wash be found to exceed in Gravity or Quantity the Gravity or Quantity previously ascertained by the Officer.

LXXI. And if, after any Officer shall have taken an Account of the Gravity or Quantity of the Wort or Wash in any Fermenting Back, any Wort shall be found in such Back, or any Wash in process of Fermentation shall be found therein exceeding in Gravity, or exceeding by Five *per Centum* or more in Quantity the Wort or Wash in such Fermenting Back of which such Account had been previously taken, all such Wort or Wash in such Back shall be considered as new, and not included in any former Charge against the Distiller in whose Possession the same shall be found, and the Distiller shall be charged with Duty in respect of the whole of the Wort or Wash in such Back, as not before charged, and the Wort or Wash of which such Account had been previously taken in such Back shall be deemed to be distilled or decreased, and the Distiller shall be charged for a Quantity of Spirits in respect thereof as for Wort or Wash actually distilled or decreased, and he shall also forfeit the Sum of Two hundred Pounds.

Saccharometer to be used for ascertaining the Gravity of Worts or Wash.

LXXII. And for ascertaining the Gravity of Wort or Wash for the Purposes of this Act such Saccharometer shall be used as shall from Time to Time be prescribed in that Behalf by any Order of the Commissioners; and every Degree of Gravity to be ascertained by any such Saccharometer shall be calculated in the following Manner; that is to say, distilled Water being assumed as Unity at the Temperature of Sixty Degrees of *Fahrenheit's* Thermometer, every Degree of Gravity shall be correspondent to a Thousandth Part of the Specific Gravity of such Water; and all Wort or Wash shall for the Purposes aforesaid be deemed to be of the Gravity which the said Saccharometer shall on the Application thereof denote or indicate.

Regulations for Distillers making Bub or other Composition for exciting Fermentation.

LXXIII. Every Distiller intending to make the Composition called Bub, or any other Composition for inducing or increasing the Fermentation of Wort or Wash, shall from Time to Time, at least Four Hours previously to the beginning to make such Composition, give Notice in Writing to the Officer surveying his Distillery, specifying the Time when and the particular Vessel in which such Composition is to be made, and the particular Wash Fermenting Back into which the same is to be put, and also specifying the Quantity of such Composition to be put into every such Back, which Quantity shall not exceed the Proportion of Five Gallons for every One hundred Gallons of the Wort or Wash to which the Composition is to be

so added; and no Distiller shall have or use any such Composition of greater Gravity than the Gravity of Sixty Degrees; and if any such Composition shall be made in a Distillery contrary to the Directions herein prescribed, or if the Gravity of any such Composition shall be increased at any Time after the Officer shall have taken an Account thereof, or if the whole Quantity of such Composition shall not, as herein directed, be conveyed into the particular Fermenting Wash Back specified in such Notice within Twenty-four Hours after the Time therein specified for making such Composition, the Distiller shall forfeit the Sum of Two hundred Pounds.

Distiller may sell Yeast or use it in his Distillery.

LXXIV. It shall be lawful for a Distiller to remove the Yeast from the Wash in any fermenting Wash Back, provided the Quantity of Yeast so removed shall not exceed the Proportion of Two and One Half *per Centum* of the Wash from which it shall be taken; and such Distiller may sell such Yeast, or any Portion thereof, and send out the same from his Distillery, or he may add the same to the Wort or Wash in any other fermenting Wash Back in his Distillery.

Distiller may refill Wash Backs during a brewing Period.

LXXV. Any Distiller may, on giving the Notice herein-after required, remove during a brewing Period the whole of the Wash, after Fermentation has ceased, from One or more Backs to the Wash Charger, to be secured therein until the Commencement of the distilling Period, and may refill the same Backs with fresh Wort under the Regulations of this Act, and such fresh Wort shall form Part of the same brewing Period.

Before beginning to distil Distiller shall declare that all Wort and Wash are collected into the Fermenting Wash Backs.

LXXVI. When the whole of the Wort or Wash made in a Distillery during any brewing Period shall be collected into the Fermenting Wash Backs and Wash Charger, and before the Commencement of the distilling Period, and before any Still shall be made use of for distilling the same, a Declaration in Writing by or on behalf of the Distiller shall be delivered to the proper Officer, that the whole of the Wort and Wash in the Distillery is collected into the Fermenting Wash Backs and Wash Charger; and thereupon the Officer, after the Expiration of Four Hours subsequent to the Delivery of such Declaration, but not before, shall open any Still in such Distillery by removing such Fastenings as prevent the same from being used; and if any Still shall be made use of before such Declaration shall have been delivered, or before the Expiration of such Four Hours, or if all the Wort and Wash in the Distillery shall not then be collected as stated in such Declaration, the Distiller shall forfeit the Sum of Two hundred Pounds.

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Distiller to give Four Hours Notice before removing Wash from the Fermenting Back to the Wash Charger.

LXXVII. Before any Wash shall be conveyed from any Fermenting Wash Back, Four Hours Notice in Writing shall be given to the proper Officer by or on behalf of the Distiller, stating the Number of the Back in which the Wash is contained, and the Day and Hour when the same is to be removed; and the Officer shall attend at the Time specified in such Notice, and after he shall have locked the Charging Cock of the Wash Still he shall remove all such Fastenings as prevent the Conveyance of the Wash from any Back mentioned in such Notice into the Wash Charger, and then, without Delay, all the Wash which shall be contained in such Fermenting Wash Back, or so much thereof as shall fill the Charger if the same shall not be capable of containing the whole of the Wash in One Back, shall be conveyed into the Wash Charger in manner prescribed in this Act; and the Officer, after having affixed and secured the Fastenings which he had so removed, shall be at liberty to take an Account of the true Quantity and Gravity of such Wash; and if any Wash shall be removed before such Notice shall have been given, or shall be removed or conveyed from any other Fermenting Back, or at any other Time or in any other Manner than shall have been mentioned in such Notice, or before the proper Officer shall have removed or secured respectively such Fastenings as before mentioned, and taken account of the true Quantity and Gravity of the Wash in such Charger, the Distiller shall forfeit the Sum of Two hundred Pounds.

The Contents of Wash Charger to be conveyed into the Still or Charger before any other Wash be removed.

LXXVIII. After any Wash shall have been taken Account of in the Wash Charger, no Wash from any Fermenting Back shall be removed until the whole Contents of such Wash Charger shall have been conveyed into the Wash Still, or intermediate Charger or Wash Reservoir; and if any Wash shall be removed contrary hereto the Distiller shall forfeit the Sum of Two hundred Pounds.

Samples of Wash may be taken and the original Gravity before Fermentation determined as herein directed.

LXXIX. It shall be lawful for any Officer to take such Samples of Wash from the Wash Back or Wash Charger in a Distillery, or from both of such Vessels, as he may think proper; and in order to ascertain and determine the original Gravity of the Wort from which the Wash was made before Fermentation had taken place therein, a definite Quantity by Measure of the Wash shall be distilled, and the Distillate and the Spent Wash respectively shall be made up with distilled Water, each of them to the original Measure of the Wash before Distillation, and the Specific Gravity thereof respectively shall be then ascertained, and the Number of Degrees and Parts of a Degree of Specific Gravity by which such Distillate shall be less than the Specific Gravity of distilled Water shall be deemed to be the Spirit Indication of such Distillate, and the actual Specific Gravity of such Spent Wash

Wash added to the Degree of original Gravity set forth in the Table contained in Schedule (A.) annexed to this Act opposite to the Degree of Spirit Indication contained in the same Table shall be deemed to be the original Specific Gravity of such Wash before Fermentation; and for the Purposes aforesaid all the Weighings and Measurings that may be necessary to be made of the respective Liquids shall be made when the same are at the Temperature of Sixty Degrees of *Fahrenheit's* Thermometer, and at that Temperature distilled Water shall be considered as One thousand; and if the original Gravity of such Wort as found and determined in the Manner aforesaid shall exceed by more than Two Degrees the Gravity thereof as declared by the Distiller, he shall forfeit the Sum of Two hundred Pounds, and also the Sum of Sixpence for every Gallon of Wash contained in the Wash Back or Wash Charger from which the Wash so distilled was taken: Provided always, that the Distiller, or any Person acting on his Behalf, may, if he shall so desire, be present at the Distillation of such Wash, and at the Performance of such Process as aforesaid for ascertaining the said original Gravity.

Samples of Wash may also be taken and distilled by the Officer.

LXXX. It shall be lawful for any Officer to take from any Wash Back or Charger, and convey away from the Distillery, a Sample, not exceeding the Quantity of Twenty Gallons, of the Wash contained therein, and to cause such Sample of Wash to be distilled into Low Wines; and such Officer may gauge or measure or weigh the Quantity and ascertain the Strength of the Low Wines produced by the Distillation of such Wash.

Distiller to clean out Receivers, and assist the Officer in distilling a Charge of Wash out of any Wash Back required by the Officer.

LXXXI. And it shall be lawful for any Supervisor or other superior Officer to require that any Low Wines, Feints, or Spirits Receiver in a Distillery shall be emptied and cleaned out, and that any Quantity of Wash shall be conveyed into any Wash Still, and from any Wash Back, as such Officer shall direct, in order that such Wash may be forthwith distilled into Low Wines, or into Feints and Spirits; and all Persons in the Employ of the Distiller shall, on reasonable Notice, give and provide Assistance and Fuel to such Officer, at his Request, in distilling such Wash into Low Wines, or into Feints and Spirits, and in conveying the Low Wines directly into the Low Wines Receiver, and the Feints and Spirits into the Feint and Spirit Receiver respectively, which shall be so cleaned out; and such Low Wines, Feints, and Spirits respectively shall be kept in the proper Receiver, unmixed with any Matter or Thing whatsoever, until the Officer shall have taken an Account of the Quantity and Strength thereof; and for any Refusal, Neglect, or Omission, on the Part of the Distiller or of any Person in his Employ, to comply with the Directions in this Clause contained, the Distiller shall forfeit the Sum of Two hundred Pounds.

LXXXII. In

If the Produce of Wash distilled exceed the Proportion of One Gallon and a Quarter of Proof Spirits for every Five Degrees of Attenuation, Distiller subject to Penalty.

LXXXII. In every such Case as in the Two last preceding Clauses is mentioned the Officer shall compute and ascertain the Quantity of Proof Spirits in and equivalent to the Low Wines, Feints, and Spirits, according to the Strength thereof; and if the Quantity of Proof Spirits so computed shall in any of the respective Cases aforesaid exceed the Rate or Proportion of One Gallon and One Quarter of a Gallon of Proof Spirits for One hundred Gallons of Wort or Wash in respect of every Five Degrees of Gravity which the same shall have been attenuated, as taken by the Surveying Officer, that is to say, for every Five Degrees of Difference between the highest Gravity of the Wort from which such Wash was produced, as declared by the Distiller pursuant to this Act, or as appearing on any Account thereof taken by the Officer, or as ascertained and determined in the Manner herein-before directed, and the lowest decreased Gravity of such Wort or Wash as taken by the Officer previous to the Distillation thereof, the Distiller shall forfeit the Sum of Two hundred Pounds, and also the Sum of Sixpence for every Gallon of Wort or Wash contained in the Wash Back from which such Wash so distilled as aforesaid was removed or taken: Provided always, that the Officer shall, if required, pay to the Distiller the Value of every Sample of Wash which he shall take away from the Distillery, or return the Produce thereof, and mix the Low Wines, Feints, and Spirits with the Low Wines or Feints of the Wash Back to which they belong; provided also, that the Distiller, or any Person acting in his Behalf, may be present at the Distillation of any such Wash, if he shall so desire.

Four Hours Notice to be given for the Removal of Low Wines, Feints, or Spirits from Receivers, and Officer to attend and take account thereof.

LXXXIII. Four Hours at least before any Low Wines or Feints or Spirits shall be removed out of the respective Receivers in a Distillery, a Notice in Writing, specifying the Day and Hour when the same respectively are to be so removed, shall be given to the proper Officer, by or on behalf of the Distiller; and the Officer shall attend at the Time specified in such Notice, and after having taken an Account of the Quantity and Strength of such Low Wines or Feints or Spirits, he shall remove the Fastenings of the Pumps or other Conveyances used for the Removal or Conveyance of Low Wines or Feints or Spirits, as the Case may be, and of the Receivers containing the same, and all the Low Wines or Feints which shall be in such Low Wines or Feints Receiver shall be forthwith removed and conveyed into the Low Wines or Feints Charger or Intermediate Still Charger, and all the Spirits which shall be contained in the Spirit Receiver shall be removed and conveyed into an entered Store Vat or Cask in the Spirit Storehouse of the Distillery; and if any Low Wines or Feints or Spirits respectively shall not be removed and conveyed as aforesaid, or shall be removed from any Receiver without such Notice, or at any other Time than shall have been specified in such Notice, or before

before the Officer shall have removed the several Fastenings as herein directed, or if before the whole of the Low Wines or Feints or Spirits in any Receiver shall have been removed therefrom as aforesaid, and the Fastenings thereof shall have been again secured by the Officer, any other Low Wines or Feints or Spirits shall be conveyed into such Receiver, the Distiller shall forfeit the Sum of Two hundred Pounds: Provided always, that when any Distiller shall secure his Low Wines and Feints Pumps to the Satisfaction of the Commissioners, he may run Low Wines and Feints together into the same Receiver, and at any Time, without giving such Notice as aforesaid, remove the Low Wines and Feints from the Receivers to the Low Wines and Feints Chargers, and re-distil the same.

Low Wines, Spirits, and Feints produced to be kept separate until account thereof be taken.

LXXXIV. A Distiller may collect in the Low Wines Receiver, or in the Feints and Spirit Receivers, the Low Wines, or the Feints and Spirits respectively produced by the Distillation of the Wash of the same brewing Period contained in all or any of the Fermenting Backs of the Distillery; and such Produce shall be kept unmixed with any other Matter or Thing whatever, and shall also be kept separate and apart from the Produce of the Wash contained in any other Back throughout the whole Course of the Distillation thereof, and until the Spirits produced therefrom shall be removed into the Spirit Store, as herein-after mentioned; and when an Account of the Quantity and Strength of the Low Wines, Feints, and Spirits so collected shall have been taken by the proper Officer, all such Low Wines or Feints shall be removed from the Receiver into the Low Wines or Feints Charger, and all such Spirits into the Spirit Store, before any other Low Wines or Feints or Spirits shall be made from the Distillation of the Wash contained in any other Back, and all the Spirits and Feints produced by the Re-distillation of such Low Wines of which such Account shall have been taken shall in like Manner be collected in the Spirits and Feints Receivers respectively, and kept therein separate and apart and unmixed as aforesaid (save as is herein-after provided) until an Account of the Quantity and Strength of such Spirits and Feints respectively shall have been taken by the proper Officer; and if all such Low Wines, Feints, and Spirits respectively shall not be so collected, and kept and removed separate and apart and unmixed as aforesaid, the Distiller shall forfeit the Sum of Two hundred Pounds; but it shall be lawful to mix with any Feints collected in the Receiver, or with the Low Wines from which such Feints are produced, any Feints (if any there be) which shall have been produced by and which may remain on hand after the Re-distillation of the last Charge of the Low Wines Still with the Feints produced from the Low Wines of any Wash of the same Period previously distilled; and the Distiller may re-distil any Feints which shall have been collected, and an Account thereof

Feints may be re-distilled.

thereof taken as aforesaid, and may repeat the Process of re-distilling the Feints produced by any such Re-distillation as often as he shall think fit so to do; and the Officer may take an Account of the Spirits and Feints respectively produced and collected on every such Re-distillation, and compute and ascertain the Quantity of Proof Spirits in and equivalent to such Spirits and Feints, according to the Strength thereof respectively; and the Distiller shall be charged with Duty for the greatest Quantity of Proof Spirits which shall appear to have been produced, or, under the Provisions of this Act, be deemed to have been produced, from the whole of the Low Wines which shall have been collected and taken an Account of, as before mentioned, whether such greatest Quantity of Proof Spirits shall appear from the first Re-distillation of such Low Wines or from any such subsequent Re-distillation.

Officer may take account of the Spirits and Feints produced on such Re-distillation.

Two Spirit Receivers may be used on certain Conditions.

LXXXV. It shall also be lawful for any Distiller to erect in connexion with either kind of Still described in Section Fourteen of this Act, and in the Manner therein directed, One additional Spirit Receiver, provided the Distiller shall, to the Satisfaction of the Commissioners, apply and affix to each Spirit Receiver the Apparatus described in Section Twenty of this Act, and the Distiller may collect in each Receiver alternately the Spirits produced from the Distillation of any Wash or the Re-distillation of any Low Wines or Feints; and when a Distiller shall have run so much Spirit into either Receiver as he shall think fit, he shall give Notice to the Officer, who shall thereupon lock the Charging Cock, and the Spirits shall not be removed until after the Expiration of Two Hours from such Notice, nor unless a Notice for that Purpose has been given, as required by this Act.

As to the charging and Payment of the Duty on Spirits.

Modes of charging Duty: 1st. By Percentage from Wash, according to the Attenuation of the Gravity thereof, One Gallon for every Five Degrees attenuated:

LXXXVI. For and in respect of every One hundred Gallons of Wort or Wash which shall be brewed or made in any Distillery the Officer shall charge the Distiller with Duty for a Quantity of Spirits at the Rate of One Gallon of Proof Spirits for every Five Degrees of Gravity which the Wort or Wash shall be attenuated, that is to say, for every Five Degrees of Difference between the highest Gravity of such Wort or Wash as declared by the Distiller pursuant to this Act, or as appearing on any Account taken thereof by the Officer in the Fermenting Back, or as ascertained and determined by the Mode hereinbefore prescribed, from any Sample taken from a Fermenting Back or the Wash Charger, and the lowest decreased Gravity of such Wort or Wash as appearing on any Account taken by the Officer previously to the Distillation thereof; and the Officer shall also charge at the same Rate and Proportion of Spirits for any less Quantity of such Wort or Wash, and for any less Decrease of Gravity than Five Degrees.

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LXXXVII. When the Officer shall take an Account of the Quantity and Strength of the Low Wines which shall have been produced from the Distillation of any Wash, he shall compute and ascertain the Quantity of Proof Spirits in and equivalent to such Low Wines, according to the Strength and Quantity thereof, and Duty shall be payable on the Quantity of Proof Spirits so ascertained, after making an Allowance of Five *per Centum* on such Quantity, and the Officer shall charge the Distiller with Duty accordingly.

2d By the Produce as found in the Low Wines:

LXXXVIII. Whenever the Officer shall take an Account of the Quantity and Strength of Spirits and Feints respectively which shall have been produced from the Distillation of any Low Wines, together with any Feints which may have remained from any previous Distillation, he shall compute and ascertain the Quantity of Proof Spirits in and equivalent to such Spirits and Feints, according to the Strength thereof respectively, and shall deduct from the Quantity so ascertained a Quantity equivalent to that of the Feints (if any) which may have remained on hand after any previous Distillation, and which may have been included in the Account of Spirits and Feints so taken as aforesaid, and after such Deduction Duty shall be payable on the remaining Quantity of Proof Spirits so computed and ascertained, and the Officer shall charge the Distiller with Duty accordingly.

3d. By the Produce on the Re-distillation of Low Wines into Spirits and Feints:

LXXXIX. The Distiller shall in respect of all Wort, Wash, and Bub in his Distillery be charged according to the highest Gauge of Quantity at any Time taken thereof, and according to the highest Amount of Gravity thereof at any Time declared by him, or ascertained by any Officer, without any Allowance for Waste, Bub, Dregs, Yeast, or other Matter whatever; and when any Decrease shall take place in the Quantity of Wort, Wash, and Bub in a Distillery, the Amount of such Decrease shall be deemed to have been distilled, and the Distiller shall be charged accordingly with a Quantity of Spirits in proportion to the Decrease of such Wort, Wash, and Bub.

Distiller to be charged from the highest Gauge of Wash without allowing for Waste or Dregs.

XC. No Sugar or Syrup, or any glutinous or saccharine or other Matter or Thing, shall be mixed with or added to any Low Wines, Feints, or Spirits, whereby the Gravity thereof shall be increased, or so as to prevent the Strength thereof from being ascertained by the Hydrometer; and for any Offence contrary hereto the Distiller shall forfeit the Sum of Two hundred Pounds, and all such Low Wines, Feints, Spirits, and Mixtures shall also be forfeited.

Sugar, &c. not to be mixed with Low Wines or Spirits to prevent the Strength being ascertained.

XCI. The Officer shall from Time to Time make out and deliver to the Collector, or to such Person as the Commissioners shall appoint to receive the same, a Return of the Quantity of Spirits for which the Distiller.

Officer from Time to Time to make Returns of the Quantity

of Spirits chargeable on the Distiller, who shall pay the Duty accordingly.

Distiller shall be chargeable, and of the Duty payable thereon; and such Officer shall make out and deliver any such Return or Account at any Time and for any Period, as the Commissioners may direct; and in every such Return the Officer shall charge the Distiller according to such of the several Modes of charging prescribed by this Act as shall produce the highest Amount of Duty; and such Officer shall, if required in Writing by the Distiller, deliver or leave with him, or at his Distillery, an Account in Writing signed with the Name of the Officer, setting forth the Quantity of Spirits specified in his Return, with the Amount of Duty thereon and the Period comprised in the Return; and the Return of the Officer shall be a Charge on the Distiller, and he shall pay the Duty thereby appearing or which shall be chargeable upon him within such Time and in such Manner as the Commissioners may in that Behalf direct, or in default thereof the Distiller shall forfeit Twenty Pounds, together with a Sum equal to double the Amount of such Duty.

Collectors may distrain for Duties in arrear from Distillers.

XCII. In all Cases where any Duties payable by a Distiller shall remain unpaid after the same shall have become payable, it shall be lawful for the Collector or other Officer in charge of the Collection in which the Distillery shall be situate, by Warrant under his Hand, to empower any Person to take and distrain all Spirits, and all Stills, Coppers, and other Vessels and Utensils, and all Malt, Corn, Grain, and other Materials for distilling belonging to such Distiller or in any Distillery, Store, or Place in the Use or Possession of the Distiller, or of any Person on his Behalf or in trust for him, and also all Spirits deposited in any Warehouse in his Name, and to cause the same to be sold by Public Auction, giving Six Days previous Notice thereof; and if after the Payment of all Duties and Arrears of Duties due from the Distiller, and also the Duties on such of the Spirits as shall have been so warehoused and distrained and sold as aforesaid, together with the Costs and Expenses of such distraining and Sale, there shall be any Surplus of the Produce arising from the Sale, such Surplus shall be forthwith paid or tendered to the Distiller or his lawful Agent or Representative; provided always, that when any Spirits or Malt shall be so distrained it shall be lawful for the Distiller, or his Agent or Representative, at any Time before the Day appointed for the Sale thereof, to remove under proper Permits all or any Part of such Spirits or Malt, upon paying to the Collector or other Officer in charge as aforesaid, towards discharging the said Duties, the real Value of such Spirits or Malt as shall be required to be removed, and proper Permits shall on due Application be given for the same, in like Manner as if no such Distress had been made.

XCIII. At

Spirits.

XCIII. At the End of every distilling Period the Distiller, or One of the Distillers if there shall be more than One in Partnership, or the principal Manager of the Distillery, shall, under his own proper Hand, make a true and particular Entry or Return in Writing to the proper Supervisor of the whole Quantity of each Description of Material used in making the Wort or Wash, and also the whole Quantity of the Wort or Wash which shall have been decreased from the Wash Backs or distilled in the Distillery, and of the whole Quantity of Spirits, computed at the Strength of Proof Spirits, which shall have been distilled or made in the Distillery within the last preceding brewing and distilling Periods, and of the whole Quantity of Feints remaining undistilled; and in case of any Refusal, Neglect, or Omission to make such Entry or Return the Distiller shall forfeit the Sum of Two hundred Pounds.

Distiller to make Entry at the End of every distilling Period of the true Quantity of Wash distilled and Spirits made in each brewing and distilling Period.

XCIV. And every Distiller or the principal Manager of his Distillery shall also, at the End of every distilling Period, deliver to the proper Officer an Account in Writing of the Number of Bushels of Malt and the true Quantity of Sugar and Molasses (specifying the same and the Quantities thereof respectively) actually used in making the Wort or Wash distilled during that Period; and the Officer shall transmit such Account, together with a Return in Writing signed by him, to the Collector, specifying the Number of Bushels of Malt and the Quantities of Sugar and Molasses respectively so used, and the Quantity of Proof Spirits with which the Distiller shall have been charged in respect of such Wort or Wash; and the Distiller or the principal Manager of his Distillery shall make and subscribe a Declaration to the Truth of such Account in the Form or to the Effect following:

Distiller to deliver an Account of the Malt, Sugar, and Molasses used in every distilling Period verified by Declaration.

'I *A. B.*, Distiller [*or* principal Manager, *as the Case may be*] of
'the Distillery at do solemnly declare, That within the
'brewing Period commencing on the Day of
'and ending on the Day of , both inclusive,
'there were actually mashed and used in the said Distillery, and
'consumed in the distilling of Spirits therein, the several Quantities
'of Malt and of Sugar and Molasses respectively herein-after specified,
'and no more; (that is to say,) Bushels of Malt,
'Pounds of Sugar, and Pounds of Molasses [*or as the Case*
'*may be*], and all this I declare to the best of my Knowledge and
'Belief, and according to the best Information in my Power to obtain.'

And in default of such Declaration being made, or if any such Declaration shall be untrue, the Distiller shall forfeit the Sum of Two hundred Pounds.

XCV. It shall be lawful for any Officer, whenever and as often as he shall think fit, to take Samples of Wort, Wash, Low Wines, Feints, and

Officer may take Samples of Wort,

Wash, Spirits, &c. in any Distillery.

and Spirits respectively, in any Back, Receiver, Charger, or other Vessel or Utensil in a Distillery, in order that he may ascertain the Gravity or Strength of the same respectively, and from such Part of any such Vessel or Utensil as he shall think proper; and the Gravity or Strength of any such Sample so taken shall be held to be the true Gravity or Strength of the whole Contents of the Vessel or Utensil from which the Sample was so taken; but before a Sample shall be taken all the Liquor contained in any such Vessel or Utensil may be stirred up and mixed together by the Distiller, or any Person in his Employ, if he shall think fit so to do.

As to the Removal of Spirits into the Distillery Store or for Consumption; and the Account to be kept of Spirits in Stock.

No Spirits shall be received into a Distiller's Stock but such as are distilled in his Distillery.

XCVI. No Spirits whatever shall be received or conveyed into the Stock or entered Spirit Store of a Distiller other than such Spirits only as shall have been distilled in his Distillery, and as shall be conveyed directly from the Spirit Receiver into such Store in the Manner herein-before prescribed; nor shall any Spirits which have been removed from such Store be again brought into the same from any Place whatever; and if any Spirits shall be received into or be found in the Stock or Store of a Distiller contrary hereto he shall forfeit the Sum of Two hundred Pounds, and the Spirits shall also be forfeited.

All Spirits distilled during a distilling Period to be removed from the Spirit Store within Ten Days after the Termination of such Period.

XCVII. All the Spirits which shall be distilled at a Distillery during One distilling Period shall be removed from the entered Spirit Store, and the Duty thereon paid for Consumption, or shall be conveyed to and deposited in a Warehouse under the Provisions in that Behalf, within Ten Days after the Termination of the distilling Period, and before any Spirits of a succeeding distilling Period are brought into the Store; and if any Spirits of One distilling Period (other than a Quantity not exceeding One hundred and fifty Gallons and in One Ullage Cask) shall remain in any such Store after Ten Days from the Termination of such distilling Period, or if within the said Term of Ten Days any Quantity of the Spirits of One distilling Period (other than such Quantity and in such Cask as aforesaid) shall remain in any such Store after any Spirits of a succeeding distilling Period are brought into the same Store, or into any other such Store at the same Distillery, the Distiller shall forfeit for every Gallon of Spirits of such former Period so remaining in the Store in either of the Cases aforesaid the Sum of Twenty Shillings.

Balance to be struck in the Stock Account, and Allowance

XCVIII. When all the Spirits distilled at a Distillery in any One distilling Period shall have been removed from the Spirit Store as herein-before required, or at the Expiration of Ten Days after the Termination

Termination of such distilling Period, a Balance shall be struck by the proper Officer in the Stock Account kept by him for the Distillery, and in the Return to be made by the Officer of the Quantity of Spirits for which the Distiller shall have become chargeable during the preceding distilling Period an Allowance shall be made to the Distiller of any Deficiency in Stock occasioned by natural Waste, not exceeding the Proportion of One Gallon and a Half for every One hundred Gallons at Hydrometer Proof of the Spirits removed from the Spirit Receiver to the Spirit Store; and if the Deficiency shall exceed such Proportion, then an Allowance shall be made in respect thereof to the Extent of the Rate and Proportion aforesaid; provided, that if the Deficiency shall exceed the Proportion of Three *per Centum* on the Spirits so removed as aforesaid no Allowance whatever shall be made in respect thereof.

made for Deficiency occasioned by natural Waste.

XCIX. The Officer in charge of the entered Spirit Store at a Distillery shall when required attend thereat daily (*Sundays* excepted) between the Hours of Five o'Clock in the Morning and Eight o'Clock in the Evening; and all Spirits in the Spirit Store shall be filled into the Casks in the Presence of the Officer in such Manner and under such Regulations as the Commissioners shall in that Behalf direct; and the Officer shall take an Account of the Weight or Measure and Strength of all such Spirits.

Officer in charge of Spirit Store to attend daily.

C. No Spirits shall be sent out of or removed from a Distillery or the Stock of a Distiller at any other Strength than that denominated Hydrometer Proof, or Twenty-five *per Centum*, or Eleven *per Centum* above or Ten *per Centum* or Fifteen *per Centum*, or Twenty *per Centum* below Hydrometer Proof, or within Six Tenths of One *per Centum* over or under the said Strengths respectively, or Forty-three *per Centum* above Hydrometer Proof, or of any higher Degree of Strength; nor shall any Spirits be sent out or removed as aforesaid in any Quantity less than Nine Gallons in any Cask, nor without a lawful Permit expressing the true Quantity and Strength of such Spirits; and if any Spirits shall be sent out of or removed from a Distillery or the Stock of a Distiller in any less Quantity than as aforesaid, or without such Permit as aforesaid, or of any other Strength than the Strength expressed in the Permit, all such Spirits, and every Cask and Vessel containing the same, shall be forfeited, and the Distiller shall forfeit the Sum of Two hundred Pounds.

Spirits not to be removed from Distillery of other Strength than herein specified, or in less Quantity than Nine Gallons in any Cask, or without Permit.

CI. Spirits may be sent out from a Spirit Store for Consumption or to be warehoused in Casks either full or on Ullage, but the Commissioners

Spirits may be sent out of the Store in Casks

either full or on Ullage.

missioners shall have Power to make such Orders for regulating the Ullage as may appear to them to be necessary.

Permit not to be granted for the Removal of Spirits out of Distillery, except to Warehouse, until Collector's Receipt for the Duty be produced.

CII. No Permit shall be granted for the Removal of Spirits from the Stock of a Distiller, (except for such Spirits as shall be sent or delivered into Warehouse pursuant to the Provisions of this Act,) unless he shall produce to the Officer from whom the Permit is requested the Receipt of the Collector for the Duty on the Spirits to be removed, nor unless the Distiller shall suffer the Officer to endorse on such Receipt the Quantity of Spirits for which a Permit is required, and the Date of such Permit; and the Officer shall make such Endorsement accordingly.

Distiller's Stock Account of Proof Spirits to be kept by the Officer.

CIII. The proper Officer shall take and keep an Account by way of Debtor and Creditor of the Stock of Spirits in the Distillery and Store of every Distiller, and shall in such Account debit the Stock, with the full Quantity of Spirits, computed at Hydrometer Proof, which shall be from Time to Time duly conveyed into the same from the Spirit Receiver in the Distillery, and shall credit the Stock, with the full Quantity so computed, which shall be from Time to Time sent out under legal Permit; and if at any Time the Quantity of Spirits which shall be found in the Stock or Possession of a Distiller shall be greater than the Quantity which, according to the said Stock Account, ought to be in his Stock or Possession, the Excess Quantity shall be forfeited, and the Distiller shall also forfeit the Sum of Twenty Shillings for every Gallon of such Excess; and if at any Time the Quantity of Spirits in the Stock or Possession of a Distiller shall be less than the Quantity which, according to the said Stock Account, ought to be in his Stock or Possession, the Distiller, whenever the Deficiency shall appear, shall forfeit the Sum of Twenty Shillings for every Gallon which shall be so deficient; which said respective Penalties of Twenty Shillings for every Gallon of Spirits in Excess or Deficiency in the Quantity which ought to be in the Stock or Possession of the Distiller shall not be mitigated or reduced to any less Sum by the Court before which the Complaint or Information for Recovery thereof shall be heard and determined; but the Distiller shall not be liable to such Penalty in any Case where the Excess shall not exceed One Half *per Centum* or the Deficiency shall not exceed Three *per Centum* on the Quantity of Spirits formed by the Balance left on the last Stocking and the Quantity since duly brought into Stock from the Spirit Receiver, nor in any Case where he shall prove to the Satisfaction of the Commissioners that the Decrease did not result from any Fraud practised or intended; but in any Case of Excess, where no Penalty shall be incurred and prosecuted

prosecuted for, the Duty on such Excess shall be charged against the Distiller.

Warehousing of Spirits Duty-free, and Regulations relating to Spirits in Warehouse.

CIV. A Distiller may, under such Regulations as the Commissioners shall from Time to Time make in that Behalf, deposit in a Warehouse approved of by them Spirits distilled in his Distillery, without Payment of the Duty thereon, to be delivered out for Home Consumption on Payment of such Duty, or for Exportation, or for Use as Ship's Stores, or for Methylation, such Warehouse to be provided and duly entered by the Distiller, and to be approved of by the Commissioners, if they shall be satisfied with respect to the Situation, Construction, and Security thereof; but no Distiller shall be entitled to have any such Warehouse at any other Place than his own entered Distillery Premises, and no Spirits or other Liquors other than such Spirits as aforesaid, conveyed directly from his Distillery, shall be deposited in such Warehouse.

Distillers may warehouse Spirits without Payment of Duty in Warehouses provided and entered by them and approved by the Commissioners.

CV. The Spirits deposited in such Warehouse as aforesaid shall be contained in Casks, either full or on Ullage, but not less than Nine Gallons in any Cask; and there shall be marked on each End of every Cask, in Letters or Figures legibly cut, branded, or painted with Oil Colour thereon, the Mark and Number of every such Cask, and the full Content thereof, in the Manner required by the Thirty-fifth Clause of this Act, and the Number of Gallons contained therein; and Spirits may also be warehoused in Vats under such Regulations as the Commissioners may make in that Behalf; but no Spirits shall be warehoused of any Strength other than the respective Strengths specified in Section One hundred of this Act.

Regulations as to the Casks and the Quantity to be contained therein, and Strength of warehoused Spirits.

CVI. Upon giving Security by Bond, with Sureties to the Satisfaction of the Commissioners, in like Manner and to the like Effect as the Keeper of such general Warehouse as herein-after mentioned is by Clause One hundred and eight of this Act required to give, a Distiller may transfer to a Purchaser Spirits deposited in any Warehouse of such Distiller for which such Security is given, on the Terms and Conditions and with the Effect specified in Clause One hundred and twenty-two of this Act; but no further Transfer shall be made of such Spirits whilst the same remain in such Warehouse.

Spirits in a Distiller's Warehouse may be transferred to a Purchaser.

CVII. If a Distiller, or any Person by his Order or Connivance, after any Spirits shall be secured in any Warehouse, shall open any

Penalty for Frauds in relation to

Spirits in Warehouse.

any of the Locks or Doors in the Absence of the proper Supervisor or Officer, or shall make or obtain any Way or Access into such Warehouse, or shall remove any Part whatever of the Partition between any Warehouse for keeping Spirits and any other Place whatsoever thereunto adjoining, or shall, after such Warehouse shall have been so approved of as aforesaid, make an Addition to or in any way alter the same, without Notice first given to the proper Supervisor of such intended Addition or Alteration, and the Consent of the Commissioners in Writing first had and obtained for the same, or shall deposit or remove Spirits in or from any such Warehouse otherwise than as provided by this Act, or shall by any Contrivance or Device whatsoever privately remove, convey away, or conceal any of the Spirits, either before the same are put into the Warehouse or afterwards, such Distiller shall forfeit the Sum of Five hundred Pounds, and all Spirits and other Liquors deposited, removed, or concealed contrary to the Provisions of this Act shall be forfeited.

Commissioners may appoint general Warehouses under Bond in which Distiller may warehouse British Spirits.

CVIII. The Commissioners may appoint general Warehouses for the Deposit therein of *British* Spirits, warehoused without Payment of Duty, under such Security by Bond from the Proprietor or Tenant of any such Warehouse, in such Penal Sum, and subject to such Condition, and with One or more sufficient Sureties, as the Commissioners may require, and under such other Rules and Regulations as they may make in that respect; and any Distiller may warehouse in such general Warehouse, without Payment of Duty, Spirits distilled by him, and removed either directly from his Distillery or from any other Warehouse, to be deposited by him and entered in his Name in a Book to be kept by the proper Officer in charge of such Warehouse, in such Manner and Form as the Commissioners may direct: Provided always, that the Proprietor of such Warehouse shall alone be answerable to the Distiller or Owner of any Spirits deposited therein for the safe Custody thereof, and no Action or Suit shall be brought or maintained against the Commissioners or any of their Officers on account of any Loss or Damage which may happen to such Spirits whilst they are deposited in any such Warehouse, or on account of any wrong or improper Delivery of the same therefrom.

Distillers and Proprietors of Warehouses to provide Accommodation for Officers.

CIX. Every Distiller and every Proprietor of any such Warehouse as aforesaid shall respectively, when and as they shall be required by the Commissioners so to do, provide Accommodation at the Distillery Store and at any such Warehouse for the Officer in charge thereof respectively, to the Satisfaction of the Commissioners, on pain of forfeiting the Sum of Fifty Pounds for every Refusal or Neglect so to do.

CX. The

Spirits.

CX. The Commissioners may revoke the Approval at any Time heretofore given, or which may at any Time hereafter be given, of any Warehouse for the warehousing of *British* Spirits; and upon such Revocation all Spirits deposited in such Warehouse shall be removed therefrom forthwith, or as the Commissioners shall direct, and no other Spirits shall be warehoused therein under the Provisions of this Act, and no Abatement of Duty or Allowance shall be made in respect of the Spirits which may be contained in such Warehouse at the Time of the Revocation for any Deficiency of the Quantity or Strength thereof, which shall be occasioned or which shall occur after Notice of the Revocation shall have been given to the Proprietor of the Warehouse.

Commissioners may revoke their Approval of Warehouses.

CXI. And under and subject to the Provisions of this Act, and such Regulations of the Commissioners as aforesaid, Distillers may also deposit Spirits without Payment of Duty in any general Warehouse provided by the Commissioners for that Purpose; and upon all Spirits deposited in such last-mentioned Warehouse there shall be chargeable Warehouse Rent at a Rate, to be fixed by the Commissioners, not exceeding One Penny *per* Week for every Forty Gallons of such Spirits, and so in proportion for any greater or less Quantity; and such Rent shall be paid to the Collector for the Use of Her Majesty, and shall be a Lien on all the Spirits of the Distiller deposited in such Warehouse.

Spirits may be deposited in Warehouses provided by the Commissioners.

CXII. Provided always, That the Removal of Spirits from a Distillery to any Warehouse under the Provisions of this Act shall be made under and subject to such Regulations and Security as the Commissioners shall make and require respectively in that Behalf.

The Removal of Spirits to Warehouse to be under the Regulations of the Commissioners.

CXIII. If Spirits warehoused in any such Warehouse as last mentioned shall be destroyed by Fire, or the falling of such Warehouse or any Part thereof, no Claim or Demand, Action or Suit, shall be made or brought against Her Majesty, or against the Commissioners, or any Officer or Person employed by them, for any Compensation or Damages by reason of such Spirits having been so destroyed, and no Duty shall be paid for any Spirits so destroyed.

Action not to be maintained on account of Spirits destroyed in Warehouse by Fire, &c.

CXIV. A Distiller intending to warehouse Spirits shall give to the Officer surveying his Distillery, and also to the proper Officer surveying the Warehouse, Twenty-four Hours Notice in Writing of such Intention, and also of the Day and Hour of the Day on which he intends to commence the Removal of such Spirits out of his Stock to the Warehouse; and he shall specify in such Notice, or

Distiller to give Notice of his Intention to warehouse Spirits. None to be removed into Warehouse

without a Permit.

or in a further Notice to be given to the said Officers respectively, One Hour at the least before the Removal of the Spirits, the Mark, Number, and full Content in Gallons of each Cask which he intends to warehouse, and the Number of Gallons and Strength of Spirits contained therein; and no Removal of Spirits shall be allowed without a Permit being first granted to accompany the same, nor shall any Removal take place except upon the Day mentioned in such Notice, nor be commenced at any Time of the Day before the Hour of Eight in the Forenoon, or continued after the Hour of Three in the Afternoon.

Officer to attend Removal of Spirits.

CXV. The Officer to whom such Notice shall be given shall attend according thereto, and shall ascertain, in the Manner directed by the Commissioners, the Quantity and Strength of the Spirits in each Cask proposed to be removed, and shall compare the Marks and Numbers and the several Particulars on the Casks with the Marks, Numbers, and Particulars described in the Notice for the warehousing of such Spirits, and he shall continue in the Place where the Stock is kept until the whole of the Spirits, for the Removal of which Notice shall have been given, shall be removed.

Officer at the Warehouse to take account of and give Receipts for Spirits warehoused.

CXVI. Immediately on the Arrival of Spirits at the Warehouse, the proper Officer thereat shall take an Account of the Contents of every Cask in such Manner as may be ordered by the Commissioners, and of the Strength of the Spirits contained therein, and shall enter an Account thereof, with the Mark and Number of each Cask, in a Book to be by him kept for that Purpose; and after taking such Account as aforesaid he shall deliver to the Distiller a Certificate of the warehousing of the Spirits, in such Form and containing such Particulars as the Commissioners may direct; and such Certificate shall be forthwith delivered over by the Distiller to the Officer surveying his Distillery, who shall thereupon deduct from the Number of Gallons of Proof Spirits for which the Distiller shall then be chargeable with Duty for the next ensuing Payment the Number of Gallons computed at Proof so warehoused, and return the Charge of Duty against the Distiller to the Commissioners, or the Collector, for the remaining Number of Gallons, which Return shall be a Charge against the Distiller accordingly; and the Officer shall annex to such Return the said Certificate as his Voucher for having made the Deduction.

Such Receipt to be delivered by Distiller to the Officer, who is to give Credit for the same in the Charge against Distiller.

Warehoused Casks to be numbered progressively.

CXVII. Upon the Outside of both of the Heads or Ends of every Cask of Spirits which shall be warehoused by a Distiller under the Provisions of this Act there shall be legibly cut, branded, or painted with Oil Colour the progressive Number of such Cask, according to the

the Number of Casks warehoused by the Distiller, and the Year when the same was warehoused, such progressive Numbers for every Distiller to begin with Number One on the First Day of *January* in each Year, and no Two or more Casks warehoused in the same Year by the same Distiller shall be marked with the same Number; and the Officer in charge of the Warehouse shall refuse to receive therein any Cask of Spirits not having cut, branded, or painted thereon all the several Particulars aforesaid and in the Manner required by this Act.

Stowage of Casks in Warehouse to afford easy Access.

CXVIII. All Casks of Spirits which shall be warehoused as aforesaid shall be arranged and stowed in the Warehouse in such Manner as that Access may easily be had to every Cask therein; and if any Distiller, or the Proprietor or Occupier of any Warehouse, shall refuse or omit to cause all the Casks therein to be so arranged and stowed, he shall forfeit the Sum of Five Pounds.

Spirits in Warehouse may be vatted, blended, or racked.

CXIX. Spirits deposited in a Warehouse without Payment of Duty may be vatted, blended, or racked in such Warehouse by the Distiller or Proprietor of such Spirits either upon Payment of the Duty thereon or otherwise, under such Regulations as the Commissioners may direct; but Duty shall be paid on any Deficiency exceeding the Rate allowed by this Act as ascertained at the Time of vatting, blending, or racking, and also upon any Deficiency exceeding the Rate of One Half *per Centum* which shall occur during any such Operation; but after the Duty shall have been paid on any Spirits, and a Portion thereof shall have been racked or drawn off from the Cask, no further Abatement or Allowance for Deficiency shall be made in respect of such Spirits for any further Period the same may remain in Warehouse.

Casks containing racked or blended Spirits to be marked.

CXX. In addition to all other Particulars required by this Act to be painted or marked on Casks containing Spirits there shall be legibly and distinctly painted or marked upon each Head of every Cask containing racked or blended Spirits the Words "Racked" or "Blended," or such other Mark as the Commissioners may direct, and the same shall continue to be so painted or marked while the same shall remain in Warehouse on pain of the Proprietor of such Spirits forfeiting the Sum of Fifty Pounds for any Neglect or Omission in this Behalf.

Proprietor may view and show his Spirits in Warehouse.

CXXI. The Proprietor of Spirits lodged in any Warehouse shall be allowed, in the Presence of the proper Officer, to view and examine such Spirits and show the same for Sale, and to examine the State of the Casks, and to prevent Leakage or Drainage therefrom; and the Officer shall, when requested, attend at all reasonable Times for that Purpose, but not oftener than once in Twenty-four Hours.

 CXXII. A Dis-

Spirits.

Spirits deposited in a general Warehouse may be transferred, on Notice from the Distiller or Dealer, and entered and kept in the Name of the Purchaser.

Spirits not to be delivered out till Duty paid.

CXXII. A Distiller or Dealer may transfer Spirits deposited in his Name in a general Warehouse to a Purchaser, upon giving Notice in Writing of his Intention so to do to the Collector in whose Collection the Warehouse is situated; and upon such Notice being given, and no Objection made by the Collector, the Transfer may be completed; and upon an Order to transfer being endorsed on such Notice by the Distiller or Dealer, and delivered to the Officer in charge of the Warehouse, he shall forthwith transfer the Spirits so sold from the Name of the Proprietor to the Name of the Purchaser in the Book kept by such Officer; and all such Spirits shall after such Transfer be discharged from all Claim in respect of any Duties, Penalties, or Forfeitures to which the Distiller or Dealer from whom such Transfer has been made may be liable; but no Spirits shall be delivered out of Warehouse for Home Consumption until Payment shall be made of the full Duties of Excise chargeable thereon.

As to the Delivery of Spirits out of Warehouse for Consumption, or Exportation, or Ship's Stores, or for Methylation, or to be re-warehoused.

No Spirits to be delivered out of Warehouse for Consumption without Payment of Duty.

On Production of Collector's Certificate of Payment, Warehouse-keeper to allow the Spirits to be removed.

CXXIII. Before any Spirits shall be delivered out of Warehouse for Consumption the full Duty of Excise chargeable thereon shall be paid to the Collector previously to the Removal thereof from the Warehouse, and the Collector shall give a Certificate of the Payment of such Duty; and upon the Production to the Officer surveying the Warehouse of such Certificate, and a Permit having been obtained, the Officer shall allow the Spirits mentioned in such Certificate and Permit to be so removed; and all such Spirits shall be conveyed to the Place of Destination mentioned in the Permit, and be delivered there in the same Casks in which they were sent out of Warehouse.

Spirits may be delivered out of Warehouse for Exportation without Payment of Duty.

Notice of intended shipping to be given.

CXXIV. Spirits deposited in any such Warehouse as aforesaid may be delivered thereout for Exportation without Payment of Duty; and when the Distiller or Proprietor of such Spirits shall be desirous of shipping the same for Exportation, he shall deliver to the Officer surveying the Warehouse, Twenty-four Hours at least before the Time when he intends to ship the Spirits, a Notice in Writing specifying the Number of Casks and the Quantity of Spirits intended to be shipped, and specifying also the Time when and the Port or Place at which the Distiller or Proprietor purposes to ship the Spirits, and the Name or Description and Destination of the Ship in which the Spirits are intended to be exported; and the Officer surveying the Warehouse may mark every Cask of such Spirits before the Delivery thereof for Exportation with such Mark as the Commissioners shall direct.

CXXV. Before

Spirits.

CXXV. Before any Spirits shall be delivered out of Warehouse for Exportation, the Distiller or Proprietor intending to export the same shall, with One or more Sureties to the Satisfaction of the proper Collector, give Bond to Her Majesty in such Sum as the Commissioners shall think fit; and such Bond shall be conditioned that the Spirits specified in the Notice shall be conveyed to the Quay where the Ship shall be lying, be put on board such Ship, and shall (the Danger of the Seas or Enemies excepted) be exported to and landed at the Port specified therein, without any Alteration in Quality or Quantity (except such as may be occasioned by sudden and unavoidable Accident), and shall not be landed at any other Place, nor relanded in the United Kingdom; and the Collector or other proper Officer shall sign and give to the Distiller or Proprietor a Certificate of such Bond having been entered into; and upon Production of such Certificate to the Officer surveying the Warehouse, he shall allow the Spirits to be removed, and grant a proper Permit for the same, and the Spirits shall be sent to the Quay where the Ship shall be lying, and be delivered, together with the Permit, into the Custody of the proper Officer of Customs there, in whose Care and Custody the Spirits shall remain until the same shall be shipped, and thereupon he shall certify on the Back of the Permit the Date of the shipping, the Name of the Ship, and the Quantity of Spirits at Proof actually shipped, and shall transmit such Permit to the Collector of the Excise Collection from which the Spirits were sent for Exportation.

Bond to be given by Distiller or Proprietor of Spirits on Exportation.

On Production of Collector's Certificate, Spirits to be delivered with a Permit.

CXXVI. Provided always, That the Commissioners may, if they think fit, take from any Distiller or Proprietor of Spirits willing to give the same a general Bond for the due Exportation of all Spirits delivered to him out of Warehouse for that Purpose; and such general Bond shall be taken with such Sureties, in such Amount, and under such Conditions as the Commissioners may direct or approve; and where a general Bond shall be so given the Commissioners, whilst they continue to be satisfied with the Security, may, as regards the Exportation of Spirits by such Distiller or Proprietor, dispense with the particular Bond herein-before directed to be given in that Behalf.

Commissioners may allow a Distiller to give a general Bond for the due Exportation of Spirits.

CXXVII. Spirits deposited in any such Warehouse as aforesaid may also be delivered thereout without Payment of Duty, in Casks containing not less than Nine Gallons in each Cask, for the Purpose of being shipped as Stores, and of being consumed upon any Outward and Homeward Voyage to or from Parts beyond the Seas; subject, nevertheless, to the Conditions, Regulations, Restrictions, and Securities required by any Act in force relating to the shipping of Rum as Stores; and Spirits so deposited as aforesaid may be delivered for Methylation without Payment of Duty, under such Security and Regulations as the Commissioners may require and direct.

Warehoused Spirits may be shipped as Stores or used for Methylation without Payment of Duty.

CXXVIII. No

Days and Hours of Removal from Warehouse.

CXXVIII. No Removal of Spirits from any such General Warehouse as aforesaid shall take place or commence before the Hour of Eight in the Morning, or continue after the Hour of Four in the Afternoon; and no such Removal from any Distiller's Warehouse shall commence before the Hour of Six in the Morning, or continue after the Hour of Six in the Afternoon.

Duty to be paid on Deficiency of Spirits in Warehouse.

CXXIX. If the Quantity, computed at Proof, of the Spirits in any Cask lodged in a Warehouse, shall, from any Cause, fall short of the Quantity so computed which was warehoused in such Cask (after deducting the Deficiency allowed by this Act), the Distiller or Proprietor of such Spirits shall be liable to pay the full Duty for Home Consumption upon such Spirits for the Quantity found to be deficient (after such Deduction as aforesaid), and shall pay the same upon Demand, and before any Spirits belonging to him shall be permitted to be transferred to a Purchaser or taken out of the Warehouse, and all Spirits belonging to such Distiller or Proprietor then remaining in any Warehouse shall be subject to the Duty on the Quantity so deficient, and may be sold for Payment of the same and of other Charges, paying over the Surplus, if any, to the Distiller or Proprietor.

Warehoused Spirits may be removed from one Warehouse to another

CXXX. Spirits deposited in any such Warehouse as aforesaid may, at the Desire and Risk of the Distiller or Proprietor thereof, be removed, under such Security and Regulations as the Commissioners may from Time to Time direct, from the Warehouse in which the same are deposited to any other such Warehouse (except a Distiller's Warehouse) in any Part of the United Kingdom, and be there warehoused in the Name of the Distiller or Proprietor.

Distiller or Proprietor of Spirits removed from one Warehouse to another may make fresh Entry of the same before being actually deposited.

CXXXI. If after any Spirits duly removed from any Warehouse to be deposited in another Warehouse, without Payment of Duty, on Arrival at and before the same have been actually deposited in such last-mentioned Warehouse, the Distiller or Proprietor shall make an Entry of such Spirits, or of some Portion thereof not being less than a whole Cask, for Removal for Home Consumption, or to another Warehouse than such last-mentioned Warehouse, or for Exportation, or for the Purpose of being used as Ship's Stores, the Spirits of which such further Entry is made shall be considered as virtually and constructively warehoused in such last-mentioned Warehouse, although not actually deposited therein, and may be delivered and permitted to be removed for Home Consumption, or to another Warehouse, or for Exportation, or for the Purpose of being used as Ship's Stores, as if the same had been delivered from Warehouse.

Allowances for Deficiencies in Spirits warehoused and on Spirits lost or destroyed.

Allowances for Deficiencies of

CXXXII. Upon the Delivery from Warehouse of any *British* Spirits warehoused without Payment of Duty, and which have not been

been racked or blended, the proper Officer shall allow and deduct from the Quantity computed at Hydrometer Proof as originally warehoused, as an Allowance for any Deficiency which may have arisen from natural Waste, the following Rates for every One hundred Gallons of such Spirits; that is to say, Spirits in Warehouse.

Where the same shall have been in Warehouse:

For a Period of Three Days and less than Seven Days, One Quarter of a Gallon:

Seven Days and less than Fourteen Days, One Half of a Gallon:

Fourteen Days and less than Twenty-one Days, Three Fourths of a Gallon:

Twenty-one Days and up to One Calendar Month, One Gallon:

And where such Spirits shall have been in Warehouse for a Period exceeding One Calendar Month, then the Officer shall allow and deduct the actual Deficiency therein to an Extent not exceeding the following Rates, and the aforesaid Rate of Allowance for One Calendar Month; that is to say,

For every Calendar Month and any fractional Part of a Month after the First Month and up to Seven Months, One Half of a Gallon:

And for every Calendar Month and any fractional Part of a Month above Seven Months and up to Three Years, One Quarter of a Gallon:

And for every Calendar Month and any fractional Part of a Month above Three Years and up to Six Years, One Eighth Part of a Gallon:

And for every Period of Two Calendar Months after Six Years and up to Ten Years, One Eighth Part of a Gallon:

And no Allowance shall be made for any Deficiency which may arise in such Spirits after the same shall have been Ten Years in Warehouse.

CXXXIII. When racked or blended Spirits shall be delivered from Warehouse it shall be lawful for the proper Officer to allow and deduct from the Quantity of such Spirits, as ascertained immediately after the racking or blending thereof, any actual Deficiency not greater than after the Rate of One Quarter *per Centum* for every Calendar Month the Spirits shall remain in Warehouse after being racked and blended up to Two Years, and after Two Years not exceeding the additional Rate of One Eighth Part of a Gallon *per Centum* for every Calendar Month up to Five Years; and no Allowance shall be made for any Deficiency which may arise in such last-mentioned Spirits after the same shall have been Five Years in Warehouse. Deficiencies to be allowed on Delivery of racked or blended Spirits from Warehouse.

Spirits.

Spirits to be deemed in Warehouse during their Removal.

CXXXIV. Any Spirits which shall be removed from one Excise Warehouse to another shall, for the Purpose of any such Allowances as aforesaid, be deemed to have been in Warehouse during the Period occupied by the Removal.

Table in Schedule (B.) annexed to be used in ascertaining the Quantity of Spirits in a Cask by weighing the same.

CXXXV. For the Purpose of ascertaining the Quantity of Spirits contained in a Cask by weighing the same, the Table in Schedule (B.) annexed to this Act shall be referred to and used in connexion with *Sykes's* Hydrometer; and Spirits which shall indicate on such Hydrometer a Number in Column (A.) of such Table shall be deemed to be of the Weight *per* Gallon, in Pounds and Decimal Parts of a Pound, denoted by the Number in Column (B.) of the same Table set opposite to the said Number in Column (A.); and the total net Weight of the Spirits contained in the Cask, divided by the said Number in Column (B.), shall be deemed to give the true Quantity of Spirits contained in such Cask, in Gallons and Decimal Parts of a Gallon.

Duty on Spirits or Wash, &c. lost or destroyed by Fire or other Accident to be remitted.

CXXXVI. If Spirits be lost or destroyed by Fire, or other unavoidable Accident, while the same are deposited in the Spirit Store of a Distillery, or in any such Warehouse as aforesaid, or whilst being received into or delivered out from such Store or Warehouse, or whilst being removed under Bond on Shipboard, or in the shipping or landing of the same, or if Spirits or Wash in any Distillery shall be lost or destroyed in manner aforesaid, the Commissioners, on Proof of such Loss or Destruction to their Satisfaction, shall remit the Duty payable or paid in respect of the Spirits or Wash so lost or destroyed.

As to warehousing Spirits in Customs Warehouses for Exportation or Ship's Stores.

Distiller may warehouse Spirits for Exportation, or for Ship's Stores in Customs Warehouses.

CXXXVII. A Distiller may warehouse for Exportation, or for Ship's Stores only, Spirits distilled by him, without Payment of the Duty of Excise thereon, in any Warehouse approved of by the Commissioners of Customs for that Purpose, according to the Regulations in force for the warehousing of Goods in such Warehouse, and under and subject to the same Rules, and Abatement on account of Deficiency in the Quantity or Strength of such Spirits, as are made in the Case of any other Spirits whilst in a Customs Warehouse; and the proper Officer of Customs at such Warehouse shall give to the Distiller a Receipt for such Spirits, upon the same being duly removed by Permit from the Distillery to the Warehouse and deposited therein, specifying the Numbers of the different Casks, with their Gauge, and the Quantity and Strength of the Spirits contained in them, the Day of the Month and Year when the Spirits were so warehoused, and any Mark

Mark which may have been put on the Casks by the Distiller for distinguishing the Spirits as his Property; and such Receipt shall be delivered over, within a reasonable Time, by the Distiller to the Officer in charge of his Distillery, who shall give to the Distiller a Copy thereof signed by the Officer; and upon the Delivery of such Receipt, and not before, such Officer shall deduct from the Number of Gallons of Spirits with which the Distiller is then chargeable the Number of Gallons so warehoused, and return the Charge of Duty against the Distiller to the Collector upon the remaining Number of Gallons, which Return shall be a Charge against the Distiller accordingly; and the Officer shall annex to such Return the said Receipt as his Voucher for having made the Deduction; and if any Distiller or other Person shall produce a Receipt for Spirits deposited as aforesaid which shall be untrue in any of the Particulars therein mentioned he shall forfeit the Sum of Two hundred Pounds.

Spirits in a Distillery Store or deposited in Excise Warehouses may be removed to Customs Warehouses.

CXXXVIII. Spirits in any Store at a Distillery or deposited in any Warehouse approved of by the Commissioners of Inland Revenue, without Payment of the Duty of Excise thereon, may be removed, for Exportation or for Ships Stores, or to any Warehouse approved of by the Commissioners of Customs for that Purpose, under such Regulations and Security as the Commissioners of Inland Revenue and of Customs respectively may from Time to Time appoint, the Duty upon Deficiencies in such Spirits being first paid to the proper Collector on Removal from the Excise Warehouse.

Distiller may add sweetening or colouring Matter to Spirits in Customs Warehouse.

CXXXIX. A Distiller who has deposited Spirits in a Customs Warehouse may, on giving One Day's Notice to the proper Officer of Customs, add to such Spirits any sweetening or colouring Matter, under such Regulations as the Commissioners of Customs may direct, and no Spirits so coloured or sweetened shall be removed to any other Warehouse, but shall be exported or shipped as Stores directly from the Warehouse in which they are then deposited.

British Spirits re-imported may be deposited in a general Warehouse.

CXL. Upon the Re-importation into the United Kingdom of any Plain *British* Spirits, and the issuing of a Bill of Store for the same under the Authority and Regulations of the Commissioners of Customs, and on Repayment of the Allowances granted on the Exportation thereof, it shall be lawful for the Distiller or Proprietor of such Spirits to deposit the same in any general Warehouse, under and subject to the Provisions of this Act; and afterwards upon the Delivery from Warehouse of such Spirits it shall be lawful to deduct and allow from the Quantity warehoused any actual Deficiency which may have arisen, to an Extent not exceeding the Allowance to be made under this Act in respect of Blended Spirits.

CXLI. A licensed

Spirits.

Rectified or compounded Spirits may be deposited in Customs Warehouses.

CXLI. A licensed Rectifier may, under such Regulations as the Commissioners may direct, warehouse, for Exportation or for Ship's Stores, in any Warehouse approved for that Purpose by the Commissioners of Customs, Spirits by him rectified or compounded from Spirits on which the Duties of Excise have been charged and paid, although such Spirits may be sweetened, or may be Spirits to which any colouring Matter has been added; and the Strength of such sweetened or coloured Spirits as denoted by *Sykes's* Hydrometer shall be deemed to be the true Strength thereof; and such sweetened or coloured Spirits shall be subject to all the Rules and Regulations relating to the Removal and warehousing of Spirits.

Strength of rectified or compounded Spirits to be deposited in Customs Warehouses and Regulations as to Casks, Permits, &c.

CXLII. All rectified or compounded Spirits to be warehoused in such Customs Warehouse as aforesaid, other than Spirits of Wine, shall be of a Strength not more than Eleven *per Centum* over Proof, and Spirits of Wine shall be of a Strength not less than Forty-three *per Centum* over Proof as denoted by *Sykes's* Hydrometer; and all rectified or compounded Spirits to be so warehoused shall be contained in Casks of not less than Twenty Gallons Content, every Cask marked on each End thereof in Letters or Figures legibly cut, branded, or painted with Oil Colour thereon, with the Mark or Number of such Cask, and with the full Content thereof in Gallons, and with the true Number of Gallons and the true Strength of the Spirits contained therein, every such Cask being full, or on Ullage of One Gallon or Two Gallons, and not otherwise, at the Time of sending the Spirits from the Rectifying House to the Warehouse; and all Spirits when so removed shall be accompanied with a lawful Certificate, otherwise the same shall be forfeited, and the Rectifier or Compounder so removing the same shall forfeit the Sum of Two hundred Pounds, over and above all other Penalties.

Rectified or compounded Spirits to be entered for Warehouse, and Officer of Customs to give Receipt for the same, and transmit a Certificate to the Collector of Excise, who is to pay a Drawback of the Duty on the Spirits.

CXLIII. Before rectified or compounded Spirits shall be received into such Customs Warehouse, a Warehousing Entry for Exportation only shall be passed for the same, specifying the Particulars of the Spirits as set forth in and upon the Certificate accompanying the same, and the Name of the Rectifier and of the Place where the Rectifying House is situated from which the Spirits were sent; and after the Spirits have been duly examined and warehoused by the proper Officer of Customs at such Warehouse, he shall deliver to the Rectifier or Compounder a Receipt, specifying the Marks, Number, and Content in Gallons of the several Casks received into such Warehouse, the Strength of each as denoted by *Sykes's* Hydrometer, and the total Number of Gallons at Proof received with such Certificate; and such Customs Officer shall forthwith despatch to the Collector of Excise of the Collection in which the Rectifying House is situated a Certificate,

Certificate, setting forth the Name of the Rectifier or Compounder and of the Place where the Rectifying House is situated, the Mark, Number, and Content in Gallons of the several Casks, the Strength and Description of the Spirits in each, and the total Number of Gallons at Proof received with such Certificate; and the Collector to whom such Certificate is sent shall, on receiving Three Days Notice of the Time when Payment is required, and upon Production to him of the Receipt before mentioned, pay to the Rectifier or Compounder named in the Certificate, or to any Person authorized on his Behalf, a Drawback of the Duties of Excise chargeable upon the like Quantity of Spirits computed at Proof, together with the Allowances granted by this Act in respect of the said Spirits.

CXLIV. A Rectifier or Compounder warehousing Spirits may, on giving One Day's Notice to the Officer of Customs in charge of the Warehouse, add to the Spirits any sweetening or colouring Matter, or any other Ingredient that he may think proper, subject, nevertheless, to such Regulations and Restrictions as the Commissioners of Customs may make from Time to Time; and no such Spirits, after any Matter or Ingredient has been added as aforesaid, shall be removed to any other Warehouse for Exportation or for Ships Stores, but shall be removed for such Purpose directly from the Warehouse in which the same are then deposited on board the Vessel in which they are to be exported or used as Stores, under the Laws and Regulations of the Customs.

Rectifiers or Compounders warehousing Spirits may, on giving Notice, add sweetening or colouring Matter to the same.

CXLV. All rectified or compounded Spirits so warehoused, to which no sweetening or colouring Matter has been added in Warehouse, may be removed from one warehousing Port to another for Exportation, or for Ships Stores only, subject to the Regulations of this Act, and to the Laws and Regulations of the Customs relating to such Removals of Goods, but no such Spirits shall be admitted to Entry for Home Consumption.

Rectified or compounded Spirits so warehoused may be sent Coastwise for Exportation, or for Ship's Stores only.

CXLVI. Any *British* Spirits which shall have been deposited in a Customs Warehouse under the Provisions of this Act may be used in such Warehouse for fortifying Wines, or for any other Purpose to which Foreign or Colonial Spirits may be applied under the Laws or Regulations of the Customs.

British Spirits deposited in a Customs Warehouse may be used as Foreign or Colonial.

As to Fraudulent Access to Spirits in Warehouse.

CXLVII. If a Distiller, or Proprietor of Spirits warehoused in any Warehouse without Payment of Duty, shall by any Means fraudulently open

Penalty on Distiller, &c. fraudulently

Spirits.

opening Warehouses, or gaining Access to Spirits.

open such Warehouse or gain Access to the Spirits contained therein, he shall forfeit the Sum of Five hundred Pounds; and if after Spirits have been deposited in any Warehouse, and before their actual Removal therefrom for Home Consumption or for Exportation, or for the Purpose of being shipped as Stores, such Spirits shall be altered in Quality, Quantity, or Strength, except from natural Causes, or otherwise than as provided by this Act, or by the Rules and Regulations of the Commissioners in such respect, all such Spirits, and the Casks containing the same, shall be forfeited, and the Person in whose Name the same are deposited shall forfeit, over and above all other Penalties, double the Amount of Duties chargeable on the like Quantity of Spirits computed at Proof.

Denominations of British Spirits and Compounds.

Denominations of Spirits of different Distillations—British Compounds, &c.

CXLVIII. All Spirits distilled or made in *England*, *Scotland*, or *Ireland* shall be deemed and called *British* Spirits; and Spirits of the First Extraction drawn or produced by One Distillation of Wash, and conveyed into any Low Wines Receiver, shall be deemed and called Low Wines; and Spirits conveyed into any Feints Receiver shall be deemed and called Feints; and all other Spirits which shall not have had any Flavour communicated thereto, and all Liquors whatsoever which shall be mixed or mingled with any such Spirits, shall be deemed and called Plain *British* Spirits; and all Spirits which shall have had any Flavour communicated thereto, and all Liquors whatsoever which shall be mixed or mingled with any such Spirits, shall be deemed a *British* Compound called *British* Brandy; and all Spirits which shall have been re-distilled or mixed with Juniper Berries, Carraway Seeds, Aniseeds, or any other Seeds, Preparation, or Ingredient whatsoever used in the compounding of Spirits, and all Liquors whatsoever which shall be mixed or mingled with any such Spirits, shall be deemed and called *British* Compounds; and all *British* Spirits of the Strength of Forty-three *per Centum* above Proof as denoted by *Sykes's* Hydrometer, and all Spirits of a greater or higher Degree of Strength, except Spirits in a Distiller's Stock or in a Duty-free Warehouse, shall be deemed and called Spirits of Wine: Provided always, that, in addition to the Denomination of Spirits of different Distillations, the Word "Spirits" shall include and mean all Mixtures, Compounds, Preparations, or Commodities into the Manufacture of which Spirits enter as the Basis or principal Ingredient, in all Cases in which the Duty of Excise shall not have been paid upon the Spirits from or with which such Mixtures, Compounds, Preparations, or Commodities have been manufactured; and if any Question shall arise whether any Spirits removed by any Permit or Certificate are *bonâ fide* such *British* Spirits, Plain *British* Spirits, or *British* Compounds of any particular Sort or Kind,

Mixtures manufactured from Spirits which have not paid the Duty of Excise.

Proof of Spirits being such as described in the

Spirits.

Kind, or Spirits of Wine respectively, as are described and specified in the Permit or Certificate accompanying the same, or granted for the Removal thereof, although such Spirits shall appear to have been kept account of in the Officer's Books or Account of Stock from which the Spirits were removed by the same Name or Description as is specified in the Permit or Certificate, the Proof that such Spirits are really and *bonâ fide* of the Sort specified in the Permit or Certificate shall lie upon the Owner or Claimer thereof, who shall prove the same by the Oaths of Two credible Witnesses, being skilful and experienced Persons competent to decide by Examination thereof.

Permit or Certificate to lie on the Owner.

As to Rectifiers and Compounders of Spirits.

CXLIX. If any Rectifier or Compounder keeping or using a Still shall have in his Possession any Wort, Wash, or other fermented Liquor or Materials prepared or fit for the Purpose or capable of being distilled into Low Wines or Spirits, or if any Rectifier or Compounder whatever shall distil or extract any Low Wines or Spirits from Wort, Wash, Wine, or other fermented Liquor or Materials, not being Spirits lawfully received into Stock to be rectified or compounded, or shall have in his Possession any Spirits whatsoever without having received and delivered to the proper Officer a legal Permit or Certificate with and for the same, or any Foreign or Colonial Spirits, except for the Purpose of being rectified or compounded, and sold by such Rectifier or Compounder as and for Spirits of Wine or *British* compounded Spirits, such Rectifier or Compounder shall (over and beside all other Penalties and Forfeitures) forfeit the Sum of Five hundred Pounds, or the Sum of Twenty Shillings for every Gallon of such Wort, Wash, Wine, or other fermented Liquor or Materials, or of the Low Wines or Spirits so distilled as aforesaid, or of the Spirits received without being accompanied with a true and legal Permit or Certificate delivered to the proper Officer as aforesaid, or of the Foreign or Colonial Spirits, as the Case may be, at the Election of the Commissioners or of the Person who shall prosecute for such Penalty; and the Licence of every Rectifier or Compounder who shall be a Second Time convicted of any such Offence as aforesaid shall thereupon be deemed void; and such Rectifier or Compounder shall not be capable of receiving any further or renewed Licence as a Rectifier or Compounder for the Period of Three Years from the Date of such Second Conviction.

Penalty on Rectifiers and Compounders having in their Possession any Wort, &c., or distilling the same into Low Wines or Spirits, or receiving Spirits without a legal Permit.

CL. No Rectifier or Compounder shall have any Opening, fixed Pipe, or other Conveyance whatever leading to any Still belonging to or used by him, except One charging Pipe to each Still, or shall have any Opening, fixed Pipe, or other Conveyance whatever leading from

Rectifiers or Compounders having fixed Pipes, &c. to their Stills not

hereby permitted liable to Penalty.

from any Still, except the Discharge Cock belonging to each Still, and the Head of such Still terminating in the Worm; and proper Locks and Fastenings shall be provided for properly and sufficiently locking and securing the Charge and Discharge Cock of every Still used by a Rectifier or Compounder, which Locks and Fastenings shall be locked and secured by the proper Officer, and shall remain always so locked and secured when the Still is at work; and any Rectifier or Compounder who shall have any Opening, fixed Pipe, or other Conveyance (not before excepted) leading to or from such Still, or shall prevent or hinder the Officer from affixing any Lock or Fastening as aforesaid, shall forfeit the Sum of Two hundred Pounds.

Regulations as to the placing of the Discharge Cock in the Body of the Still of a Rectifier or Compounder.

CLI. The Discharge Cock belonging to every Still of a Rectifier or Compounder shall be so placed in the Body of the Still as that the Officers may have free and convenient Access thereto; and for that Purpose the Discharge Cock shall be continued in a straight Line from the Body of the Still to which it is fixed, and shall not project more than Three Feet therefrom, nor more than Eighteen Inches from the Brickwork or other Materials whereon the Still is erected; and if any Rectifier or Compounder shall have a Still in which the Discharge Cock shall be placed otherwise than as herein directed, or if he shall in any other respect offend in any of the Matters or Things aforesaid, he shall forfeit the Sum of One hundred Pounds.

Notice to the Officer to unlock Furnace Door of a Still of a Rectifier or Compounder.

CLII. Whenever a Rectifier or Compounder shall be desirous to have the Furnace Door of a Still unlocked, and to have a Fire lighted under the Still, he shall give to the proper Officer a Notice in Writing, Twelve Hours at least before the particular Time when he desires to have the Fire lighted; and if the Rectifier or Compounder shall not have a Fire lighted under such Still at the Time mentioned in such Notice, or within Two Hours next after such Time, the Notice shall be deemed to be null and void, and he shall be obliged to give another like Notice before the Officer shall be bound to open the Furnace Door of such Still.

Directions relative to Officer's Attendance for opening the Furnace Door.

CLIII. The Officer shall attend agreeably to such Notice, or within One Hour after the particular Time therein mentioned, and shall open the Furnace Door of the Still mentioned in such Notice; but he shall not on any Pretence open the Furnace Door of any Still which shall not be fully charged, nor until he has examined the Contents of the Still, and seen the Head thereof actually put on, and ready to be locked down; and the Officer, when attending on Notice at the Stillhouse of a Rectifier or Compounder, shall not be obliged to continue more than One Hour at any One Time; and if the Rectifier or Compounder shall not within that Time have charged

charged the Still mentioned in such Notice, and have put on the Head thereof ready to be locked down, he shall be obliged to give another like Notice before the Officer shall attend again to open the Furnace Door of such Still.

CLIV. Provided always, That whenever it shall be found necessary to have any Lock or Fastening opened for the Purpose of cleaning, repairing, or amending any Vessel, Utensil, Cock, Pipe, Pump, or other Article belonging to a Rectifier or Compounder, and required by Law to be locked and secured, the Officer shall, on receiving a written Request for that Purpose, open the same for all the Time the Workmen shall be actually employed in cleaning, repairing, or amending it, but he shall lock and secure every Still Head, Discharge Cock, and Furnace Door belonging to the Still every Night, as soon as the Workmen so employed shall leave off their Work; and the Officer shall attend at Six o'Clock every Morning whilst the Repairs are being done, in order to open the Still Head, Discharge Cock, and Furnace Door.

Officer to open Locks and Fastenings for cleaning or repairing Utensils.

CLV. Every Rectifier or Compounder shall, before beginning to draw off Spirits from any Still, charge the same with a Quantity of Liquor in the Proportion of not less than Seven Parts in Ten of the whole Quantity of Liquor which the Still, including the Head, is capable of containing, and the Still shall remain and continue so charged until the Rectifier or Compounder shall begin to draw off Spirits therefrom; and every Still shall be worked off within Sixteen Hours, to be computed from the Time of the Officer's taking the Gauge thereof; and if any Rectifier or Compounder shall begin to draw off Spirits from any Still not so charged, or shall not work off the same within the Time herein limited, he shall forfeit the Sum of One hundred Pounds.

Rectifiers or Compounders to charge their Stills as herein directed, and work them off within the Time herein limited.

CLVI. The Officers, whenever they deem it necessary, after any Still belonging to a Rectifier or Compounder is charged, and before the same has begun to work, shall take Still Gauges of all Liquors of any Kind whatsoever which shall be in such Still, and they shall also be at liberty to take Samples of such Liquors, as well before the Still has begun to work as after it is worked off; and if any Officer shall discover in a Still belonging to a Rectifier or Compounder any Wine or Wash put into or mixed with any Low Wines, Feints, or Spirits, the Rectifier or Compounder shall, over and above all other Penalties, forfeit the Sum of Five hundred Pounds.

Officers may take Still Gauges and Samples of Liquor; and if they discover Wash mixed with Low Wines Rectifier is liable to Penalty.

CLVII. Every Rectifier or Compounder shall take off the Head of any Still (unless the Head is soldered or permanently fixed to the Body

Rectifiers or Compounders to

cause the Heads of their Stills to be taken off so soon as the same shall cease to be worked.

Body of the Still), when and so soon as the Still shall have ceased to be worked, and the Head of the Still shall in no Case, nor on any Account, be put thereon until the Still shall be again charged and ready to work, nor shall any Still be again worked until the Officer shall have examined the Quality of the Spirits therein; and if any Rectifier or Compounder shall neglect to take off the Head from a Still as hereby required, within Twelve Hours after the Still shall have ceased to be worked, or shall put the Head on any Still before such Still shall be charged and ready to work, or shall work any Still before the Officer shall have examined the Quality of the Spirits therein, the Rectifier or Compounder shall forfeit the Sum of One hundred Pounds.

Officers to take account of the Stocks of Rectifiers and Compounders as often as they may think fit, and if any Excess or Deficiency be found, Forfeiture and Penalty shall be incurred.

CLVIII. Any Officer shall, as often and at such Times as he may think fit, take an Account of the Quantity and Strength of all Spirits in the Stock or Possession of any Rectifier or Compounder, and compute the same at the Strength of Hydrometer Proof; and if, after making Allowance for the Spirits for which Certificates shall have been granted since the last Account taken of the Stock of such Rectifier or Compounder, computing the same at the Strength aforesaid, it shall be found that the Quantity of Spirits remaining in his Stock or Possession shall exceed the Quantity for which he shall appear to be debited or charged in the Books of the proper Officer, whether such Charge or Debit shall have arisen from what was on hand at the last preceding Account taken, or from what may have been lawfully received subsequently thereto, such Excess shall be deemed to be Spirits illegally received, and a Quantity of Spirits equal to such Excess may be seized by any Officer out of any Part of the Stock of such Rectifier or Compounder; and the Rectifier or Compounder in whose Stock or Possession such Excess shall be found shall forfeit the Sum of Twenty Shillings for every Gallon of such Excess; and if there be any Decrease in such Stock not duly accounted for by Spirits sent out with Certificate, and exceeding Five *per Centum* on the Balance or Stock left on hand at the last preceding Account, together with the Quantity since lawfully received, the Rectifier or Compounder shall forfeit the Sum of Twenty Shillings for every Gallon of such Deficiency.

Spirits produced from Stills at work when Stocks are taken to be afterwards added.

CLIX. And if any Still of a Rectifier or Compounder shall happen to be charged and at work at the Time when any Officer shall take account of his Stock, then all the Spirits produced from that Charge of the Still shall be kept separate and apart from the Remainder of the Stock till the Account of the Remainder shall have been completely taken, after which the Spirits produced from that Charge shall be added to the Stock.

CLX. No

Spirits.

CLX. No Rectifier or Compounder receiving Spirits into his Possession shall break Bulk or draw off any Part thereof, or add Water or anything thereto, or in any respect alter the same, or tap or open any Cask so received, or alter or change any Package containing Spirits, or the Spirits therein removed, until the proper Officer shall have taken an Account of the Strength and Quantity thereof; and every Rectifier or Compounder shall on the Receipt of any Spirits give Notice thereof to the proper Officer, and shall deliver to him the Permit received with the Spirits, and thereupon the Officer shall attend and take an Account of the Strength and Quantity of such Spirits; and if any Rectifier or Compounder who shall receive Spirits into his Possession shall fail to give such Notice, and deliver such Permit as aforesaid, or shall break Bulk, or draw off any Part of such Spirits, or add Water or anything thereto, or in any respect alter the same, or tap or open any Cask, or alter or change any Package containing Spirits, or the Spirits therein removed, before the proper Officer shall have taken an Account of the Strength and Quantity thereof, all such Spirits, or a Quantity equal thereto, shall be forfeited, and may be seized out of any Part of the Stock of such Rectifier or Compounder, and he shall forfeit the Sum of Two hundred Pounds; but if the proper Officer shall neglect to attend, for the Purpose of taking such Account as aforesaid, within One Hour after receiving such Notice, no Forfeiture or Penalty shall be incurred by the Rectifier or Compounder for any such Offence.

Rectifier or Compounder receiving Spirits not to break Bulk before the Officer to whom Notice shall be given take an Account of the Strength and Quantity.

CLXI. Where the Strength of any Part of the Stock of a Rectifier or Compounder, by being mixed or compounded with Sugar, Syrup, Seeds, Fruit, or any other Ingredient or Material, cannot be ascertained by the Hydrometer, he shall immediately, or on being required by any Officer, cause the true Quantity and Degree of Strength of the Spirits so mixed to be legibly marked on the Outside of the Cask or Vessel containing the same; and if the Quantity or Degree of Strength of such Spirits shall be found to have been untruly marked on the Outside of the Cask or Vessel, or if the Rectifier or Compounder shall, upon being required by the Officer, neglect immediately to mark the Quantity and Degree of Strength of such Spirits, or shall not continue such Mark until all the Spirits in such Cask or Vessel shall be removed and taken therefrom, such Spirits, Syrup, Seeds, Fruit, and other Ingredients, together with the Casks and Vessels containing the same, shall be forfeited, and the Rectifier or Compounder shall also forfeit the Sum of Fifty Pounds.

Rectifiers or Compounders to mark the Quantity and Strength of mixed or compounded Spirits on the Casks containing the same.

CLXII. A Rec-

Spirits.

At what Strength and in what Quantities Rectifiers and Compounders may send out compounded Spirits and Spirits of Wine.

CLXII. A Rectifier or Compounder may lawfully sell and send out, accompanied with a lawful Certificate, any Quantity, not being less than Two Gallons, of compounded Spirits, at any Strength not exceeding Twenty-five *per Centum* over Hydrometer Proof, and any Quantity not being less than Two Gallons of Spirits of Wine; and if any Plain *British* Spirits or any Foreign or Colonial Spirits not being Spirits of Wine, or if any other Spirits not being compounded Spirits, or if any compounded Spirits, except by Permit or with a Certificate, and of such Strength as aforesaid, and not being less than Two Gallons at any One Time, shall be sold or sent out by any Rectifier or Compounder contrary hereto, he shall forfeit the Sum of Fifty Pounds, and all such Spirits, with the Casks or other Packages containing the same, and all Horses, Cattle, Carriages, and Boats made use of in removing such Spirits, shall also be forfeited.

Strength of Spirits of Wine to be 43 per Cent. over Proof at the least, and to be expressed in the Certificate.

CLXIII. Spirits of Wine shall be made and kept of the Strength of Forty-three *per Centum* over Hydrometer Proof at the least, and the true Strength of Spirits of Wine shall be expressed in the Certificate granted for the Removal thereof, and shall be taken account of by the Officer in the Stock of every Rectifier or Compounder according to the actual Strength thereof; and if any Spirits of Wine shall be kept or removed of less Strength than as aforesaid, or be mixed with Foreign Wine, or shall be removed without a Certificate expressing the true Strength thereof, such Spirits of Wine shall be forfeited, and the Rectifier or Compounder shall forfeit the Sum of Two hundred Pounds.

As to Dealers and Retailers.

Dealers and Retailers to make Entry of Premises and Utensils.

CLXIV. Every Dealer and Retailer respectively shall make a true and particular Entry in Writing signed by him of every Building, Room, or other Place, and of every Vessel or Utensil, and of all standing or fixed Casks intended to be used by him for the keeping of Spirits, and such Entry shall be made by delivering the same to the proper Officer; and every such Building, Room, Place, Vessel, Utensil, and Cask shall be distinguished by a particular Letter or Number, and shall be described in such Entry by a corresponding Letter or Number.

At what Strength British Spirits may be kept and sent out of Stock by Dealers or Retailers.

CLXV. No Dealer or Retailer shall receive or have in or send out from his Stock or Possession any *British* Spirits (except Spirits of Wine) of any Strength exceeding that at which licensed Distillers and Rectifiers can send out Spirits of the like Denomination from their Stock or Possession, or any Spirits of Wine of less Strength than Forty-three *per Centum* above Hydrometer Proof, on pain of forfeiting

forfeiting the Sum of Fifty Pounds, and all Spirits, and the Casks and Packages containing the same, received, had, or sent out contrary hereto.

Casks used by Dealers and Retailers in Stock or for delivering out Spirits to have the true Content marked thereon.

CLXVI. Upon some conspicuous Part of every standing or fixed Cask used by any Dealer or Retailer for holding Spirits in Stock, and on the Outside of both of the Heads or Ends of every rolling or moveable Cask used by him for keeping or delivering out Spirits, there shall be legibly painted with Oil Colour, or cut or branded, the full and true Number of Gallons which the Cask is capable of containing; and every such Cask which shall be used without having the full and true Number of Gallons which the same is capable of containing so cut, branded, or painted thereon as aforesaid shall, together with the Spirits contained therein, be forfeited, and the Dealer or Retailer shall also forfeit the Sum of Fifty Pounds for every such Cask.

Dealers and Retailers to mark the true Strength and Quantity of compounded Spirits on their Casks.

CLXVII. In all Cases where the true Strength of any Part of the Stock of Spirits of a Dealer or Retailer, by being mixed or compounded with Sugar, Syrup, Seeds, Fruit, or any other Ingredient or Material, cannot be ascertained by *Sykes's* Hydrometer, the Dealer or Retailer shall, immediately on being required so to do by any Officer, cause the true Quantity and Degree of Strength of such Spirits to be legibly marked on the Outside of every Cask or Vessel containing the same respectively; and if the Quantity and Strength of any Spirits shall be found to be untruly marked as aforesaid, or if any Dealer or Retailer, upon being required by any Officer, shall refuse or neglect immediately to mark the Quantity and Strength of such Spirits as aforesaid, all such Spirits, Syrup, Seeds, Fruit, and other Ingredients, together with the Casks and Vessels containing the same, shall be forfeited, and the Dealer or Retailer shall forfeit the Sum of Fifty Pounds; but the said Penalty and Forfeiture shall not be incurred by reason of the marking on any Cask the Strength expressed in the Permit or Certificate with which the Compounds therein contained were received into Stock, no Alteration having been since made therein.

Penalty on Retailer not licensed as a Dealer sending out Spirits to a Rectifier, Dealer, or Retailer, or receiving Spirits from another Retailer, and on Dealer not licensed as a Retailer selling

CLXVIII. Every Retailer, not being entered and licensed also as a Dealer, who shall sell, send out, or deliver Spirits to any Rectifier or Compounder, or Dealer or Retailer, or who shall buy or receive Spirits from any other Retailer, not being a licensed Dealer, shall forfeit the Sum of Fifty Pounds; and every Dealer, not being entered and licensed also as a Retailer, who shall sell, send out, or deliver Spirits in a less Quantity than Two Gallons of Spirits of the

less than Two Gallons of Spirits.

the same Denomination at a Time to the same Person shall also forfeit the like Sum.

Licensed Dealers taking out an additional Licence may retail and send out Foreign Liqueurs in Quantities not exceeding a Gallon without Certificate.

CLXIX. Provided always, That any Person duly licensed as a Dealer in Spirits may take out an additional Licence authorizing him to sell by Retail any Quantity (the same not being less than One reputed Quart Bottle, or in the Bottles in which the same may have been imported,) of Foreign Liqueurs, not to be drunk or consumed upon the Premises; and any licensed Dealer taking out such additional Licence may send out or deliver Foreign Liqueurs without the Certificate herein-after mentioned, if the Quantity does not exceed One Gallon at a Time, and such Liqueurs are not sent to the Stock of any Dealer or Retailer.

As to Certificates and Permits for the Removal of Spirits.

Every Rectifier, Dealer, and Retailer to provide a Book for entering therein the Particulars of Spirits received and sent out by him.

CLXX. Every Rectifier, Dealer, and Retailer respectively shall provide himself with a Book prepared according to a Pattern, to be given to him on his Application to the proper Officer, and shall, on the same Day on which he receives any Spirits into his Stock or Possession, and at such Time on that Day as he may be requested to do so by any Officer, and if not so requested then at latest before the Expiration of that Day, write and enter in such Book, and in the proper Columns respectively prepared for the Purpose, the Date when, and the Christian and Surname of the Person, or the Name of the Firm, from whom and of what Place the Spirits were received, the Number of Gallons, and the Kind or Quality of the Spirits, and the Strength thereof; and every Rectifier, Dealer, and Retailer respectively shall also on the same Day on which he shall send out of his Stock or Possession any Spirits in a Quantity requiring a Certificate as herein-after mentioned, and at such Time on that Day as he may be requested as aforesaid, and if not so requested then at latest before the Expiration of that Day, write and enter in like Manner in the said Book the Day when and the Christian and Surname of the Person, or the Name of the Firm, and of what Place, to whom such Spirits were sent, the Quantity, and the Kind or Quality of such Spirits, and the Strength thereof, and also the Number of Gallons and the Fractions of a Gallon at Proof; and every such Book shall be at all Times kept in some public and open Place of the entered Premises of the Rectifier, Dealer, and Retailer respectively, for the Inspection of the Officers; and any Officer may examine such Book, and take any Extract therefrom; and every such Book, after it has been filled up as aforesaid, shall be preserved by the Rectifier, Dealer, or Retailer for a Period of not less than Twelve Months, and during such Time shall be produced by him to every Officer demand-

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ing the same; and if any Rectifier, Dealer, or Retailer shall refuse or neglect to provide such Book, or to make due Entries therein as aforesaid, or shall cancel, alter, obliterate, or destroy any Part of such Book, or any Entry therein, or make any false Entry therein, or hinder or obstruct any Officer from or in examining such Book, or making any Minute therein, or taking any Extract therefrom, or if such Book shall not be preserved or not produced by the Rectifier, Dealer, or Retailer as herein-before directed, such Rectifier, Dealer, or Retailer offending herein shall forfeit the Sum of One hundred Pounds.

All Spirits sold by Rectifiers or Dealers, and also (when the Quantity exceeds a Gallon) by Retailers, to be accompanied by a Certificate.

CLXXI. A Certificate Book, prepared with proper printed Forms for the Purposes herein-after mentioned, shall be delivered by the proper Officer to every Rectifier, Dealer, and Retailer respectively who shall request the same, in Writing, of such Officer; and every Rectifier, Dealer, and Retailer respectively, on Receipt of such Book, shall acknowledge the same in Writing under such Request, or as the Commissioners may direct; and no Spirits whatever shall be sold, sent out, or delivered from the Stock or Possession of a Rectifier or Dealer, nor any Spirits exceeding the Quantity of One Gallon of Spirits of the same Denomination at a Time for the same Person shall be sold, sent out, or delivered from the Stock or Possession of a Retailer, without a Certificate filled up, and cut out progressively from the printed Forms contained in such Book, and signed by the Rectifier, Dealer, or Retailer, or by some Person on his Behalf, with the Addition to his Signature of his Occupation (whether Rectifier, Dealer, or Retailer), certifying the Person from whom, the Place from whence, and the Day and Hour of the Day when the Spirits are sent out or delivered, the Number of Casks or other Packages in which the same are sent out, the Quantity, and Kind or Quality and Strength thereof, the Christian and Surname of the Person or the Name of the Firm to whom sold, and the Place to which, and the Conveyance by which, the same are to be sent; and every Rectifier, Dealer, and Retailer respectively, before such Certificate is cut from its Counterpart, shall make a corresponding Entry in such Counterpart of the same Particulars as are stated in the Certificate; and such Certificate shall accompany the Spirits on the Removal thereof, and shall be delivered to the Person to whom the Spirits are sold, sent out, or delivered; and every Rectifier, Dealer, and Retailer respectively shall keep the said Certificate Book in some public and open Part of his entered Premises, for the Inspection of the Officers; and when such Certificate Book is completely used by filling up the same as aforesaid, or when demanded by the proper Officer, the Rectifier, Dealer, or Retailer shall return the same to the proper Officer, who shall give a Receipt for the same, and, if requested as aforesaid,

aforesaid, shall thereupon deliver to him a new Certificate Book, to be acknowledged and kept by him as aforesaid; and every Rectifier or Dealer who shall sell, send out, or deliver any Spirits without such Certificate as aforesaid, and every Retailer who shall sell or send out any Spirits exceeding the Quantity of One Gallon of Spirits of the same Denomination at a Time for the same Person, without such Certificate as aforesaid, and every Rectifier, Dealer, and Retailer respectively who shall not make a corresponding Entry in the Counterpart of such Certificate as aforesaid, or who shall not keep or return such Book as aforesaid, or who shall hinder or obstruct any Officer in examining such Book, or making any Minute therein or Extract therefrom, or who shall cancel, alter, obliterate, or destroy any Part of such Book or any Entry therein, or who shall make any false Entry therein, shall forfeit the Sum of One hundred Pounds, and all Spirits sent out or delivered as aforesaid without such Certificate shall also be forfeited; but the said Penalty or Forfeiture shall not be incurred by reason of the Strength of the Spirits not agreeing with the Certificate accompanying the same, if the Strength thereof is not more than One *per Centum* above or Two *per Centum* below that expressed in the Certificate.

Penalty on Rectifiers, Dealers, and Retailers for improper Use of Certificates.

CLXXII. And if any Rectifier, Dealer, or Retailer shall cut or separate any such Certificate or Form of Certificate from its Counterpart, except on the Occasion of his sending out Spirits from his Stock, and for the Purpose of the Certificate properly filled up accompanying such Spirits, or if any Rectifier, Dealer, or Retailer shall cut or separate any Certificate or Form of Certificate from its Counterpart without first filling up the Certificate or Form with the several Particulars and according to the Directions herein in that Behalf mentioned, he shall forfeit the Sum of One hundred Pounds; and upon the Hearing of any Information for the Recovery of the said Penalty, and upon any Appeal in relation thereto, Proof of the Non-entry by the Rectifier, Dealer, or Retailer, upon the Counterpart of any Certificate or Form cut or separated therefrom, of the Particulars required by Law to be entered upon such Certificate and Counterpart respectively, on the Occasion of his sending out Spirits, shall be sufficient Evidence that the Certificate or Form was cut and separated by him from its Counterpart, not upon the Occasion of his sending out Spirits from his Stock, and for the Purpose of such Certificate properly filled up accompanying such Spirits, and the Rectifier, Dealer, or Retailer shall be convicted of such Offence accordingly.

Penalty for fraudulently using a Cer-

CLXXIII. If any Rectifier, Dealer, or Retailer shall fill up and cut out from any Certificate Book delivered to him any Certificate as for

for the Removal of Spirits from his own Stock, and use such Certificate, or cause or suffer the same to be used for any other Purpose than to accompany the actual Removal and Delivery of the Spirits therein expressed, or shall deliver or part with, to any Person whatever, any Certificate or Form of Certificate cut out from such Book as aforesaid, although not filled up, or if any Rectifier, Dealer, or Retailer or other Person shall use any Certificate or Form of Certificate, whether filled up or not, so that the Account of Spirits kept or checked by any Officer, or any Examination of Spirits by any Officer, is or may be frustrated or evaded, such Rectifier, Dealer, Retailer, or other Person so offending shall forfeit the Sum of Five hundred Pounds; and every Person having a Licence to rectify, deal in, or retail Spirits shall, upon being convicted of any such Offence as aforesaid, forfeit such Licence, and no new Excise Licence shall be granted to such Person so convicted for the Remainder of the current Year of any Licence so forfeited.

tificate for any Purpose other than the due Removal of Spirits.

CLXXIV. No Rectifier, Dealer, or Retailer shall receive any Spirits not accompanied by a true and lawful Permit or Certificate as the same are respectively required by Law, and every Rectifier, Dealer, and Retailer respectively shall, immediately on receiving a Permit or Certificate, cancel the same by writing in large Letters in Ink across such Permit or Certificate, or in the Space prepared for that Purpose, the Word "Received," and the Day and Hour when received, or shall otherwise permanently cancel such Permit or Certificate by Lines drawn in Ink across the same, so as to prevent it from being again used for the Removal of Spirits; and every Rectifier, Dealer, or Retailer who shall receive any Spirits without the same being accompanied by a true and lawful Permit or Certificate, as by Law required, shall forfeit the Sum of One hundred Pounds; and all such Spirits, or an equal Quantity of Spirits of a like Kind, to be taken out of any Part of his Stock, shall also be forfeited; and every Rectifier, Dealer, or Retailer receiving any Permit or Certificate who shall not cancel the same as aforesaid shall forfeit the Sum of Fifty Pounds.

Rectifier, Dealer, or Retailer not to receive Spirits without a Permit or Certificate, and the same to be cancelled on Receipt thereof.

CLXXV. All Permits and Certificates received with Spirits by a Rectifier, Dealer, or Retailer shall be preserved, after being cancelled as aforesaid, and shall be delivered by him to the Officer who shall first inspect his Premises after the Receipt thereof; and for any Neglect or Default in this respect the Rectifier, Dealer, or Retailer shall forfeit the Sum of Fifty Pounds for every such Permit or Certificate; but the Penalty shall not be incurred if the Permit or Certificate have been lost or destroyed after the Expiry of Three Months from the Date thereof.

Permits and Certificates to be preserved and delivered to the Officer.

Spirits.

Stock of Dealer or Retailer may be taken by an Officer, and any Excess found therein to be forfeited.

CLXXVI. Any Officer may, at any Time, take an Account of the Quantity of all Spirits in the Stock or Possession of a Dealer or Retailer, and if it be found that the Quantity of Spirits remaining in the Stock or Possession of such Dealer or Retailer exceeds the Quantity which ought to be therein, as appears on balancing the Book by this Act directed to be kept by him of Spirits received into and sent out of his Stock or Possession (all Spirits being for that Purpose computed at Proof), the Excess shall be deemed to be Spirits illegally received; and a Quantity of Spirits equal to such Excess shall be forfeited, and may be seized by any Officer out of any Part of the Stock of such Dealer or Retailer, who shall also forfeit the Sum of Twenty Shillings for every Gallon of such Excess; and it shall also be lawful for any Officer to enter into the Premises of a Dealer or Retailer, and to examine and take Samples of any Spirits in his Stock or Possession, paying for such Samples the usual Price thereof.

Distiller, Rectifier, Dealer, and Retailer to assist Officer in taking Stock.

CLXXVII. Every Distiller, Rectifier, Dealer, and Retailer respectively shall, when required by any Officer, assist him by a sufficient Number of Servants in taking account of his Stock, on pain of forfeiting the Sum of Fifty Pounds for any Neglect or Refusal so to assist.

Distiller may not carry on the Trade of a Dealer at any Place within the Distance of Two Miles from his Distillery unless such Place be approved by the Commissioners.

CLXXVIII. No Distiller shall be licensed to carry on the Trade of a Dealer in Spirits at any Place within the Distance of Two Miles from his Distillery, unless such Place shall first be approved by the Commissioners; and in any Case in which a Distiller shall, with the Approbation of the Commissioners, carry on such Trade of a Dealer at any Place within the Distance aforesaid from his Distillery, no Spirits shall be sent out or removed from his Stock or Possession, either as a Dealer or a Distiller, without being accompanied by a Permit granted by the proper Officer, on pain of Forfeiture of such Spirits, and of such Penalty as by Law is imposed on a Distiller for sending out or removing Spirits without a Permit.

Retailer not to be concerned in any Distillery, &c. within Two Miles of his Premises, and no Retailer to be licensed in any Premises having a private Communication

CLXXIX. No Retailer shall be a Distiller, Rectifier, or Compounder keeping or using a Still, or be in any Manner interested or concerned in the Trade or Business of a Distiller, or of such Rectifier or Compounder, at any Premises within Two Miles of the Place at which he is entered or licensed to carry on the Business of a Retailer; and no Person shall be licensed as a Retailer in any House or Premises having any Communication or Way internally or through any enclosed or private Yard, Field, Passage, or private Road or Place, or otherwise than by a public Carriageroad, with any House or Premises entered or used by any Distiller or by any Rectifier or Compounder keeping or using a Still, and if any Retailer

Retailer shall be a Distiller, or a Rectifier or Compounder keeping or using a Still, or in any Manner interested or concerned in any such Trade or Business, contrary hereto, or if any Person shall be licensed as a Retailer in any House or Premises contrary hereto, he shall forfeit the Sum of Two hundred Pounds.

with a Distillery, &c.

CLXXX. If any Person shall receive or buy or procure any Spirits otherwise than from a licensed Distiller, Rectifier, Compounder, Dealer, or Retailer, whose Name is painted over the outward Door of his entered Premises in the Manner required by Law, or at some public Sale of Spirits sold under the Direction of the Commissioners of Inland Revenue or the Commissioners of Customs, the Person so offending shall forfeit the Sum of Five hundred Pounds; but such Penalty shall not be incurred by reason of receiving or buying Foreign or Colonial Spirits from the proper Warehouse of Customs in which the same have been deposited on the due Importation thereof, or receiving or buying *British* Spirits from a Warehouse in which the same have been deposited before Payment of Duty, or whilst the same are lying openly on the Quays on which such *British* Spirits have been lawfully landed on due Removal thereof from one Part of the United Kingdom to another, and from a licensed Distiller or Dealer in the Case of *British* Spirits.

No Spirits to be purchased except from licensed Traders, or at Customs or Excise Sales or Warehouses.

CLXXXI. No Spirits shall be sent out of the Stock or Possession of any Distiller, nor shall any Spirits be removed from the Distillery, Stillhouse, Building, or other Place wherein the same were made or kept by any Distiller, without a Permit first granted and signed by the proper Officer, upon a Request Note subscribed by such Distiller, or by some Person on his Behalf, and delivered to the Officer, specifying therein the Quantity and Strength of the Spirits, and also specifying the Casks or other Vessels containing the same, the Person from whom and Place from which, and the Person to whom and the Place to which, such Spirits are to be sent, and by what Mode of Conveyance the same are intended to be sent, and whether by Land or by Water, which Permit shall be made by the Officer to correspond in respect to all the Particulars aforesaid with the Request Note; and a reasonable Time shall be limited and specified in the Permit during which the same is to be in force; and no Permit shall be valid or of any Effect if it shall be granted on any Request Note not made conformably to the Directions herein contained; and all Spirits which shall be sent out, removed, or carried, or found removing or carrying, without such Permit as aforesaid, together with the Casks, Vessels, and other Packages containing the same, and also the Boats and other Vessels, and the Horses and other Cattle and Carriages, made use of in the Removal or Conveyance thereof, shall be forfeited; and if any Distiller shall send out, deliver, or carry, or knowingly permit or suffer to

No Spirits to be removed from the Stock of a Distiller, without a Permit.

to be sent out, delivered, or carried, any Spirits from his Stock or Possession, or from any House, Building, or other Place wherein the same were made, or kept by him, without such Permit as aforesaid, or with any Permit not corresponding with the Spirits in Quantity and Strength, he shall, over and above the Forfeiture of the said Spirits, forfeit the Sum of Twenty Shillings for every Gallon of the Spirits so sent out, carried, or conveyed, of whatever Strength the same may be, and whether the same shall or shall not be seized: Provided always, that no Permit shall be granted to a Distiller for any less Quantity of Spirits than Nine Gallons contained in One Cask.

Rectifier, Compounder, Dealer, or Retailer not to receive any Spirits without Permit or Certificate, nor any Person carry the same.

CLXXXII. If any Rectifier or Compounder, or Dealer or Retailer, shall receive, or knowingly suffer to be received, into his Stock or Possession, or shall suffer any other Person, for his Use or Account, to receive any Spirits, without the same being accompanied with a true and lawful Permit or Certificate duly granted, or if any Carrier, Boatman, or other Person shall knowingly carry, remove, or transport, or by means of his Horse, Cattle, Cart, Vessel, Boat, or other Conveyance shall knowingly suffer to be carried, removed, or transported, or shall be aiding in carrying, removing, or transporting, any Spirits which by Law ought to be accompanied with a Permit or Certificate, without being accompanied with a true and lawful Permit or Certificate duly granted in that Behalf, every Person so offending shall forfeit the Sum of Two hundred Pounds, over and above every other Penalty and Forfeiture to which he may be liable by Law; and all such Spirits, and the Packages in which the same shall be contained, and every such Horse, Cart, Vessel, Boat, and other Conveyance, and all such Cattle, shall also be forfeited.

No Spirits to be sent out or received into Stock unless the Permit or Certificate shall truly express the Strength.

CLXXXIII. No Distiller, Rectifier, or Compounder shall send out or remove from his Stock or Possession, nor shall any Rectifier or Compounder, or Dealer or Retailer, receive into his Stock or Possession, any Spirits unless the Permit or Certificate accompanying the same shall truly express the Sort or Kind and Strength at the Time of the Removal thereof; and all Spirits so removed, sent out, or received, not being accompanied with a true and lawful Permit or Certificate, as by Law required, expressing the Sort or Kind and Strength thereof, shall be forfeited, and the Distiller, Rectifier, or Compounder so sending out, and the Rectifier or Compounder, or Dealer or Retailer, so receiving such Spirits, shall respectively forfeit the Sum of One hundred Pounds; and no Rectifier or Compounder or Dealer shall have (except as after mentioned) Credit in Stock for any greater Quantity of Spirits received or found therein than for the Quantity, computed at Proof, brought in with such Permit or Certificate as aforesaid delivered to the Officer.

Rectifiers and others to have Credit for the Quantity expressed in the Permit.

CLXXXIV. No

Spirits.

CLXXXIV. No Spirits of any Kind whatever exceeding the Quantity of One Gallon of Spirits at a Time, of the same Denomination, for the same Person, shall be removed from any One Place to any other Place without a true and lawful Certificate of the proper Officer of Customs, if the Spirits be removed from a Customs Warehouse (unless the same be under Bond on Removal from one such Warehouse to another Warehouse), or without a true and lawful Certificate from a Rectifier, or a Dealer or Retailer, if the Spirits be removed from the Stock of any such Trader, or without a true and lawful Permit if the Spirits be removed from the Stock or Possession of any other Person or from any Excise Warehouse; and all such Spirits found removing or removed, without such Permit or Certificate accompanying or having accompanied the same on the last Removal thereof (unless the same be under Bond as aforesaid), shall be forfeited, and every Person in whose Possession the same are found shall forfeit the Sum of One hundred Pounds, or treble the Value of such Spirits, at the Election of the Commissioners of Inland Revenue, or the Commissioners of Customs, or of the Person who shall prosecute for such Penalty.

All Spirits exceeding One Gallon to be removed by Permit or Certificate, otherwise Penalty and Forfeiture

CLXXXV. Any Officer of Excise or Customs, and any Officer of the Peace having a Commission from the Commissioners of Inland Revenue, may stop and detain any Person found carrying or removing any Spirits, and may examine such Spirits, and require the Production of a Permit or Certificate authorizing the Removal of the same; and if any Permit or Certificate be produced agreeing with the Spirits in all respects, such Officer may endorse thereon the Time and Place of such Examination; and if any Spirits exceeding the Quantity of One Gallon of Spirits of the same Denomination at a Time, for the same Person, shall be carried or removed by any Person, without a true and lawful Permit or Certificate accompanying the same and authorizing the Removal thereof, or if any Person found carrying or removing Spirits, in such Quantity as aforesaid, shall not, on being stopped or detained by any such Officer as aforesaid, forthwith produce a true and lawful Permit or Certificate authorizing the Removal thereof, the Person so offending shall incur the Penalty of One hundred Pounds; and any such Officer as aforesaid may arrest and detain the Offender, and convey him before a Justice of the Peace, who shall hear and determine, as soon afterwards as practicable, the Charge against the Person so arrested, and on his Confession, or on due Proof upon Oath of his Offence, convict him in the said Penalty; and no such Penalty shall be mitigated by any such Justice below the Sum of Ten Pounds; and every Person so convicted shall, immediately on such Conviction, pay down into the Hands of such Officer, or (if he be an Officer of the Peace, then) into the Hands of the Clerk of such Justice, for the Order and Direction of the Commissioners, the said Penalty;

Persons removing Spirits in any Quantity exceeding One Gallon, and not producing a proper Permit, or Certificate may be arrested, and convicted, and on Non-payment of the Penalty may be imprisoned.

Penalty; and if the Person so convicted shall not forthwith pay down such Penalty, the Justice, by Warrant under his Hand, shall commit him to any Gaol or Prison of the County or Place, there to be kept to Hard Labour for any Time not exceeding Six Calendar Months nor less than One Calendar Month, unless the Penalty shall be sooner paid.

Penalty for sending out or receiving Spirits without Permit, or for the fraudulent Use of Permits.

CLXXXVI. If any Person shall deliver, remove, or receive any Spirits, for the Removal of which a Permit is by Law required, without such Permit, or any greater Quantity of Spirits, or of a different Kind or Quality or Strength, than shall be expressed in the Permit, or, having obtained a Permit, shall not send out therewith the Spirits therein described, or return the said Permit to the proper Officer within the Time by Law required, or if any Person shall request, obtain, or use any Permit, or shall cause or suffer any Permit to be requested, obtained, or used, for any other Purpose than to accompany the actual Removal and Delivery of the Spirits as therein expressed, or shall produce, or cause or suffer to be produced, to any Person, any Permit as having been received with any Spirits other than as aforesaid, or shall in any Manner use, or cause or suffer to be used, any Permit so as that any Account of Spirits kept or checked by any Officer may be frustrated or evaded, the Person so offending shall forfeit the Sum of Five hundred Pounds, over and above all other Penalties and Forfeitures whatever; and every Permit used for any other Purpose than to accompany the Removal and Delivery of the Spirits for which the same was granted, and as therein expressed, shall be deemed to be a false Permit, and such unlawful Use thereof shall (over and above all other Penalties and Forfeitures) subject the Person so using the same to all Penalties and Forfeitures imposed by Law upon any Person for using, giving, or receiving any false Permit; and every Person having a Licence to distil, rectify, or compound, deal in, retail, or sell Spirits, shall, upon being convicted of any such Offence as aforesaid, forfeit such Licence, and no new Excise Licence shall be granted to him for the Remainder of the current Year of any Licence so forfeited.

If a Permit or Certificate be not delivered with Spirits sold they shall be forfeited to the Buyer, and double the Price.

CLXXXVII. If a true and lawful Permit or Certificate shall not be sent with any Spirits to the Buyer thereof, such Spirits shall, if the same be not seized in the Transit for Want of such Permit or Certificate, be forfeited to the Buyer thereof, and the Seller shall be rendered incapable of recovering the same, or the Value or Price thereof, in any Court of Law or Equity; and the Seller in such Case shall, over and besides the Loss of the said Spirits, forfeit double the Value of or Price agreed to be paid for the same, including the Duty thereon.

CLXXXVIII. Every

Spirits.

CLXXXVIII. Every Permit and Certificate respectively for the Removal of Spirits shall be granted and issued, obtained and used, under the Rules, Regulations, and Provisions of any Act of Parliament regulating the granting and issuing of Permits and Certificates for the Removal or Conveyance of exciseable Goods, or in any Manner relating to such Permits or Certificates (except so far as the same may be altered and otherwise directed by this Act), and all Clauses, Provisions, Fines, Penalties, and Forfeitures inflicted or imposed by any such Act shall extend to and be applied in the Execution of this Act, and to every Permit and Certificate respectively which shall be granted for the Removal of any Spirits, and to the Persons issuing, obtaining, or using the same.

Permits and Certificates for the Removal of Spirits to be granted under the Regulations of the Permit and Certificate Laws.

As to Scales, Weights, Measures, and Fastenings to be provided by Excise Traders.

CLXXXIX. Every Excise Trader under this Act shall provide sufficient and just Scales and Weights, and a Set of Standard Measures, for the Purpose of weighing, measuring, and taking an Account of the Spirits, Goods, and Commodities in his Warehouse, Stock, or Possession, and of any Casks or Vessels used for the Purpose of containing such Spirits, Goods, or Commodities; and such Weights and Measures shall be of such Denominations respectively as the Commissioners shall require; and the Excise Trader shall maintain and keep such Scales and Weights and Measures in such proper and convenient Place in his Distillery, Warehouse, or other entered Premises as the Supervisor shall approve, and so that the same shall be at all Times ready for the Use of the Officers; and the Excise Trader shall permit and suffer any Officer to use the same for the Purpose aforesaid, and shall, with his Servants and Workmen, whenever thereto required by any Officer, weigh or measure, and assist him in weighing or measuring, as he may require, and in taking an Account of, any such Spirits, Goods, and Commodities as aforesaid; and for any Refusal or Neglect on the Part of any Excise Trader to comply with any Direction or Provision in this Clause contained he shall forfeit the Sum of One hundred Pounds; and if any Scales or any Weight or Measure which shall be so provided shall be false or unjust or incorrect, or if any Excise Trader shall use, or permit or suffer to be used, any false, unjust, or insufficient Scales or Weight or Measure in the weighing or measuring of any Spirits or other Goods or Commodities, or shall practise any Device or Contrivance by which any Officer may be prevented from or deceived in taking the just and true Quantity, Weight, or Measure of any Spirits, Goods, or Commodities, or of any Casks or Vessels, the Excise Trader so offending shall forfeit the Sum of Two hundred Pounds,

Excise Traders to keep sufficient Scales, Weights, and Measures and aid the Officers in using the same.

Penalty for providing false Scales, Weights, or Measures, and for practising Fraud to prevent a true Account being taken.

Pounds, and all false, unjust, or insufficient Scales, Weights, and Measures respectively shall be forfeited.

All Fastenings (except Locks) for the Security of Warehouses, Storerooms, and Utensils to be provided at the Expense of the Excise Trader.

CXC. Wherever any Warehouse, Storeroom, or other Room or Place, or any Furnace, or any Still or other Vessel, or any Pipe, Plug, Cock, or other Utensil belonging to any Excise Trader, is by this Act directed to be secured and locked by the Officers, all fit and proper Fastenings for the Purpose of enabling the Officers to affix Locks thereto, or otherwise to secure the same, shall be provided and affixed, repaired and renewed from Time to Time by the Excise Trader to the Satisfaction of the proper Supervisor for the Time being, or other superior Officer, or otherwise such Supervisor or Officer shall provide and affix, and repair or renew, such Fastenings at the Expense of the Excise Trader, who shall pay to the proper Collector or Supervisor, on Demand, the Cost or Expense incurred thereby, on pain of forfeiting the Sum of One hundred Pounds for any Neglect or Refusal so to do; but all Locks or Keys necessary for the Purpose aforesaid shall be provided by the Commissioners, at the Expense of the Revenue; and if any Excise Trader, or his Servant or Workman, shall wilfully destroy or damage any such Fastening as aforesaid, or any Lock or Key belonging thereto, or any Lock Label, or shall by any means open, take off, or remove any Lock or Fastening, or Lock Label, or make any Way or Entrance, or improperly gain Access or Admittance into any Warehouse, Storeroom, or other Room or Place, Furnace, Still, or Vessel, Pipe, Plug, Cock, or other Utensil, or have any Fastening, Cock, Pipe, Plug, or Pump so constructed that Security intended to be obtained by any Lock or Fastening may be defeated, the Excise Trader shall, whether such Offence be committed by himself or his Servant or Workman, forfeit the Sum of Five hundred Pounds.

Locks and Keys to be provided at the Expense of the Revenue.

Penalty for removing or damaging Locks or Fastenings.

Supplying Spirits to be unlawfully retailed, and having in possession Spirits not Duty-paid.

Penalty on Persons selling Liquors to be unlawfully retailed or consumed by others.

CXCI. If any Person shall knowingly sell or deliver or cause to be sold or delivered any Quantity of Spirits to any other Person, to the end that the same may be unlawfully retailed or consumed or carried into Consumption, the Person so offending shall forfeit, over and above all other Penalties, the Sum of One hundred Pounds.

Persons knowingly having in Possession Spirits for which the Duties have

CXCII. If any Person shall knowingly buy, or receive, or have in his Possession, any Spirits after the same shall have been removed from the Place where the same ought to have been charged with the Duty payable in respect thereof, and before the Duty to which the same shall be liable has been charged and paid or secured to be paid,

Spirits.

paid, or before such Spirits have been lawfully condemned as forfeited, such Person, whether he have or claim any Property or Interest therein or not, shall forfeit treble the Value of such Spirits, according to and at the Rate and Price which the best Spirits of the like Kind and Strength shall sell for in *London* at the Time when such Penalty shall be incurred, and the Spirits shall also be forfeited.

not been paid to forfeit the same, and Treble Value.

Retailing and using Spirits in Gaols.

CXCIII. No Licence shall be granted for the retailing of Spirits within any Gaol, Prison, or House of Correction, and all Licences granted to the contrary hereof shall be void and of no Effect; and if any Gaoler, Keeper or Officer of any Gaol, Prison, or House of Correction, shall sell, use, lend, or give away any Spirits, or knowingly permit or suffer any Spirits to be sold, used, lent, or given away in such Gaol, Prison, or House of Correction, or brought into the same, other than and except such Spirits as shall be prescribed or given by the Prescription and Direction of a regular Physician, Surgeon, or Apothecary, and supplied in pursuance of such Prescription from the Shop of some regular Apothecary, such Gaoler, Keeper, or Officer shall forfeit the Sum of One hundred Pounds, and if, being convicted of any such Offence, he shall again offend in like Manner, and be thereof a Second Time lawfully convicted, such Second Offence shall be deemed a Forfeiture of his Office.

No Licence to be granted for retailing Spirits within Gaols or Houses of Correction, nor shall Spirits be used there except such as shall be medicinally prescribed.

CXCIV. Any Justice of the Peace, upon Information upon Oath that any Spirits are kept and disposed of in any Gaol, Prison, or House of Correction, may enter and search, or authorize and empower by Warrant under his Hand any Constable, Headborough, or other Peace Officer to enter and search, any such Gaol, Prison, or House of Correction; and in case any Spirits shall be found therein (except such as are directed to be used medicinally as aforesaid) such Constable, Headborough, or other Peace Officer shall seize such Spirits, and cause the same to be forthwith staved and destroyed.

Justices, upon Information that Spirits are kept and disposed of in any Gaol, &c., may enter and search, and empower any Constable to seize the same.

Hawking Spirits and selling Spirits in unlicensed Places.

CXCV. No Person shall hawk, or sell, or expose to Sale, any Spirits, by whatever Name the same may be called, in or about the Streets, Highways, or other Places, or in or from any Boat or other Vessel upon the Water, or in any other Manner or Place whatsoever, except in a Place duly licensed for that Purpose, upon pain of forfeiting all such Spirits and the Sum of One hundred Pounds; and any Justice of the Peace may, on his own View or on the Confession of the Party, or by due Proof on Oath made of such Offence,

Persons hawking or selling Spirits in unlicensed Places to forfeit the same and a Penalty, and may be committed to the House of

Correction for Nonpayment.

Offence, convict any Person so offending; and the Person convicted shall immediately on such Conviction pay the said Sum of One hundred Pounds, or some mitigated Amount to which such Justice may think proper to mitigate the same, not being less than One Fourth Part thereof; and on Nonpayment thereof the Justice shall by Warrant under his Hand commit the Offender to Hard Labour in the House of Correction of the County or Place for the Space of Three Calendar Months, to be reckoned from the Day of the said Commitment, and the Person so committed shall not be discharged until he shall have paid the said Sum of Money, or until the full Expiration of the said Three Months.

Justice of Peace, upon Information on Oath, may issue Warrant to apprehend Persons hawking Spirits.

CXCVI. It shall be lawful for any Justice of the Peace, on Information upon Oath made before him against any Person for hawking or selling or exposing to Sale any Spirits contrary to this Act, to issue his Warrant under his Hand, to be directed to any Constable or other ministerial Officer of the Peace, for apprehending such Offender, and bringing him before such Justice, in order to such Offender being dealt with according to Law.

Any Person may detain a Hawker of Spirits, and give Notice to a Peace Officer, who is to carry the Offender before a Justice.

CXCVII. And it shall also be lawful for any Person whomsoever to seize and detain any Person who shall hawk or sell or expose to Sale in manner aforesaid any Spirits, by whatsoever Name they may be called, for such reasonable Time as may enable him to give Notice to the Constable, Headborough, Tythingman, Churchwarden, Overseer of the Poor, or some other Peace or Parish Officer, who is hereby required to carry the Person so seized and detained before a Justice of the Peace; and such Justice shall proceed to the Examination of the Person so brought before him for such Offence, in the same Manner as if such Person had been apprehended and brought before him under such Warrant as aforesaid.

As to the Acquittal and Reward of Informers.

Either of the offending Parties informing against the other shall be acquitted of his own Penalty.

CXCVIII. On the Commission of any Offence against this Act, either of the offending Parties who shall first discover and inform against the other, before any Information has been lodged against the informing Party for such Offence, shall, upon Conviction of the Person against whom such Information shall be given, be discharged and acquitted from all Penalties to which, at the Time of such Information given, the informing Party may be liable by reason of any such Offence committed by him; and the Evidence of the informing Party shall, on any Trial touching such Offence, be admitted to prove the Facts thereof or relating thereto.

CXCIX. Where

Spirits.

CXCIX. Where any Person shall be lawfully convicted of any Offence against this Act, and the pecuniary Penalty imposed for such Offence shall not be paid, and cannot be levied, or the Person incurring such Penalty is not able to pay the same, but in lieu thereof is sent to Prison, the Commissioners may cause such Reward as they shall think fit, not exceeding Fifty Pounds in each Case, to be paid to the respective Persons who shall appear to them to be entitled thereto as Informers, and in such Shares and Proportions as they shall think fit, out of any Moneys in their Hands arising from any Penalties or Forfeitures under the Excise Laws.

Informers may be rewarded by the Commissioners, if the Penalty is not paid, and cannot be levied, or if the Offender be sent to Prison.

As to Persons opposing the Law, and Peace Officers refusing to aid in executing it.

CC. If any Person shall, armed with any offensive Weapon, or in a violent Manner, with Staves or Stones, rescue any Offender arrested, or any Goods or Chattels seized under this Act, or shall prevent such Arrest or Seizure, or shall assault, beat, or wound any Officer or other Person acting in his Aid, or any Person who shall have given or be about to give Information against, or shall have discovered or given Evidence against, or be about to discover or give Evidence against, or shall seize or bring to Justice, any Person offending against this Act, or who shall have seized or be about to seize or examine any Goods or Chattels as forfeited under this Act, or shall forcibly oppose the Execution of any of the Powers given by this Act, or who, being so armed, or with such Violence as aforesaid, shall offer or threaten so to do, every Person so offending, and his Aiders and Abettors, thereof lawfully convicted, shall be adjudged to be guilty of Felony, and shall be kept in Penal Servitude for the Term of Seven Years.

Armed Persons opposing the Law or violently rescuing Offenders, or assaulting Officers, Informers, or Witnesses, guilty of Felony, and to be kept in Penal Servitude for Seven Years.

CCI. And if any Constable or other ministerial Officer of the Peace shall refuse or neglect, upon due Notice or Request, or on his own View, to be aiding in the Execution of this Act, he shall, on being thereof duly convicted before a Justice of the Peace, forfeit the Sum of Twenty Pounds.

Penalty on Constable or other Peace Officer not assisting in executing this Act.

As to the Repeal of existing Acts and the Commencement and Operation of the Act.

CCII. The several Acts and Parts of Acts set forth in Schedule (C.) to this Act annexed are hereby repealed, to the Extent to which the same are by such Schedule expressed to be repealed, except as to anything done before the Commencement of this Act, and as to any

Acts repealed.

any Arrears of Duty, and any Allowance or Drawback, and any Penalty or Forfeiture which shall respectively have become due or payable or been incurred before the Commencement of this Act; and provided always, that all Bonds taken and Licences granted, and all Things done under the Authority or in pursuance of any of the said Acts or Parts of Acts hereby repealed, shall be as valid and effectual as if this Act had not been passed.

Commencement and Operation of the Act.

CCIII. This Act, as to the several Clauses and Provisions thereof for the Commencement of which no Day is herein-before expressly mentioned, shall commence on the First Day of *October* One thousand eight hundred and sixty, and shall have Effect throughout the whole of the United Kingdom, save and except as to such Clauses or Provisions thereof as are limited in their Operation to any particular Part of the said United Kingdom, by having the Name of such Part expressly mentioned therein, or by the Subject or Context thereof.

SCHE-

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.),

Containing a Table to be used in determining the original Specific Gravity of Worts or Wash.

Degrees of Spirit Indication.	Degrees of original Specific Gravity.	Degrees of Spirit Indication.	Degrees of original Specific Gravity.	Degrees of Spirit Indication.	Degrees of original Specific Gravity.	Degrees of Spirit Indication.	Degrees of original Specific Gravity.
·1	·3	4·1	15·5	8·1	34·3	12·1	54·9
·2	·6	4·2	16·0	8·2	34·8	12·2	55·4
·3	·9	4·3	16·4	8·3	35·4	12·3	55·9
·4	1·2	4·4	16·8	8·4	35·9	12·4	56·4
·5	1·5	4·5	17·3	8·5	36·5	12·5	56·9
·6	1·8	4·6	17·7	8·6	37·0	12·6	57·4
·7	2·1	4·7	18·2	8·7	37·5	12·7	57·9
·8	2·4	4·8	18·6	8·8	38·0	12·8	58·4
·9	2·7	4·9	19·1	8·9	38·6	12·9	58·9
1·0	3·0	5·0	19·5	9·0	39·1	13·0	59·4
1·1	3·3	5·1	19·9	9·1	39·7	13·1	60·0
1·2	3·7	5·2	20·4	9·2	40·2	13·2	60·5
1·3	4·1	5·3	20·9	9·3	40·7	13·3	61·1
1·4	4·4	5·4	21·3	9·4	41·2	13·4	61·6
1·5	4·8	5·5	21·8	9·5	41·7	13·5	62·2
1·6	5·1	5·6	22·2	9·6	42·2	13·6	62·7
1·7	5·5	5·7	22·7	9·7	42·7	13·7	63·3
1·8	5·9	5·8	23·1	9·8	43·2	13·8	63·8
1·9	6·2	5·9	23·6	9·9	43·7	13·9	64·3
2·0	6·6	6·0	24·1	10·0	44·2	14·0	64·8
2·1	7·0	6·1	24·6	10·1	44·7	14·1	65·4
2·2	7·4	6·2	25·0	10·2	45·1	14·2	65·9
2·3	7·8	6·3	25·5	10·3	45·6	14·3	66·5
2·4	8·2	6·4	26·0	10·4	46·0	14·4	67·1
2·5	8·6	6·5	26·4	10·5	46·5	14·5	67·6
2·6	9·0	6·6	26·9	10·6	47·0	14·6	68·2
2·7	9·4	6·7	27·4	10·7	47·5	14·7	68·7
2·8	9·8	6·8	27·8	10·8	48·0	14·8	69·3
2·9	10·2	6·9	28·3	10·9	48·5	14·9	69·9
3·0	10·7	7·0	28·8	11·0	49·0	15·0	70·5
3·1	11·1	7·1	29·2	11·1	49·6	15·1	71·1
3·2	11·5	7·2	29·7	11·2	50·1	15·2	71·7
3·3	12·0	7·3	30·2	11·3	50·6	15·3	72·3
3·4	12·4	7·4	30·7	11·4	51·2	15·4	72·9
3·5	12·9	7·5	31·2	11·5	51·7	15·5	73·5
3·6	13·3	7·6	31·7	11·6	52·2	15·6	74·1
3·7	13·8	7·7	32·2	11·7	52·7	15·7	74·7
3·8	14·2	7·8	32·7	11·8	53·3	15·8	75·3
3·9	14·7	7·9	33·2	11·9	53·8	15·9	75·9
4·0	15·1	8·0	33·7	12·0	54·3	16·0	76·5

SCHEDULE (B.)

A TABLE for determining the WEIGHT per GALLON of SPIRITS by SYKES'S HYDROMETER.

Column A. Indication on Sykes's Hydrometer.	Column B. Weight per Gallon.	Column A. Indication on Sykes's Hydrometer.	Column B. Weight per Gallon.	Column A. Indication on Sykes's Hydrometer.	Column B. Weight per Gallon.	Column A. Indication on Sykes's Hydrometer.	Column B. Weight per Gallon.
0	8·154	10	8·323	20	8·495	30	8·670
2	8·157	2	8·326	2	8·498	2	8·674
4	8·161	4	8·330	4	8·502	4	8·677
6	8·164	6	8·333	6	8·505	6	8·681
8	8·168	8	8·337	8	8·509	8	8·684
1	8·171	11	8·340	21	8·512	31	8·688
2	8·174	2	8·343	2	8·516	2	8·692
4	8·178	4	8·347	4	8·519	4	8·695
6	8·181	6	8·350	6	8·523	6	8·699
8	8·185	8	8·354	8	8·526	8	8·702
2	8·188	12	8·357	22	8·530	32	8·706
2	8·191	2	8·361	2	8·533	2	8·709
4	8·195	4	8·364	4	8·537	4	8·713
6	8·198	6	8·368	6	8·540	6	8·716
8	8·202	8	8·371	8	8·544	8	8·720
3	8·205	13	8·375	23	8·547	33	8·723
2	8·208	2	8·378	2	8·551	2	8·727
4	8·212	4	8·382	4	8·554	4	8·730
6	8·215	6	8·385	6	8·558	6	8·734
8	8·219	8	8·389	8	8·561	8	8·737
4	8·222	14	8·392	24	8·565	34	8·741
2	8·225	2	8·395	2	8·568	2	8·745
4	8·229	4	8·399	4	8·572	4	8·748
6	8·232	6	8·402	6	8·575	6	8·752
8	8·236	8	8·406	8	8·579	8	8·755
5	8·239	15	8·409	25	8·582	35	8·759
2	8·242	2	8·412	2	8·586	2	8·763
4	8·245	4	8·416	4	8·589	4	8·766
6	8·249	6	8·419	6	8·593	6	8·770
8	8·252	8	8·423	8	8·596	8	8·773
6	8·255	16	8·426	26	8·600	36	8·777
2	8·258	2	8·429	2	8·603	2	8·781
4	8·262	4	8·433	4	8·607	4	8·784
6	8·265	6	8·436	6	8·610	6	8·788
8	8·269	8	8·440	8	8·614	8	8·791
7	8·272	17	8·443	27	8·617	37	8·795
2	8·275	2	8·446	2	8·620	2	8·799
4	8·279	4	8·450	4	8·624	4	8·802
6	8·282	6	8·453	6	8·628	6	8·806
8	8·286	8	8·457	8	8·631	8	8·809
8	8·289	18	8·460	28	8·635	38	8·813
2	8·292	2	8·464	2	8·639	2	8·817
4	8·296	4	8·467	4	8·642	4	8·820
6	8·299	6	8·471	6	8·646	6	8·824
8	8·303	8	8·474	8	8·649	8	8·827
9	8·306	19	8·478	29	8·653	39	8·831
2	8·309	2	8·481	2	8·656	2	8·835
4	8·313	4	8·485	4	8·660	4	8·838
6	8·316	6	8·488	6	8·663	6	8·842
8	8·320	8	8·492	8	8·667	8	8·845

Spirits.

Column A. Indication on Sykes's Hydrometer.	Column B. Weight per Gallon.	Column A. Indication on Sykes's Hydrometer.	Column B Weight per Gallon.	Column A. Indication on Sykes's Hydrometer.	Column B. Weight per Gallon.	Column A. Indication on Sykes's Hydrometer.	Column B. Weight per Gallon.
40	8·849	52	9·069	64	9·294	76	9·525
2	8·853	2	9·073	2	9·298	2	9·529
4	8·856	4	9·076	4	9·302	4	9·533
6	8·860	6	9·080	6	9·305	6	9·537
8	8·863	8	9·083	8	9·309	8	9·541
41	8·867	53	9·087	65	9·313	77	9·545
2	8·871	2	9·091	2	9·317	2	9·549
4	8·874	4	9·095	4	9·321	4	9·553
6	8·878	6	9·098	6	9·324	6	9·557
8	8·881	8	9·102	8	9·328	8	9·561
42	8·885	54	9·106	66	9·332	78	9·565
2	8·889	2	9·110	2	9·336	2	9·569
4	8·892	4	9·114	4	9·340	4	9·573
6	8·896	6	9·117	6	9·344	6	9·576
8	8·899	8	9·121	8	9·348	8	9·580
43	8·903	55	9·125	67	9·352	79	9·584
2	8·907	2	9·129	2	9·356	2	9·588
4	8·911	4	9·132	4	9·360	4	9·592
6	8·914	6	9·136	6	9·363	6	9·596
8	8·918	8	9·139	8	9·367	8	9·600
44	8·922	56	9·143	68	9·371	80	9·604
2	8·926	2	9·147	2	9·375	2	9·608
4	8·929	4	9·151	4	9·379	4	9·612
6	8·933	6	9·154	6	9·382	6	9·615
8	8·936	8	9·158	8	9·386	8	9·619
45	8·940	57	9·162	69	9·390	81	9·623
2	8·944	2	9·166	2	9·394	2	9·627
4	8·947	4	9·170	4	9·398	4	9·631
6	8·951	6	9·173	6	9·401	6	9·635
8	8·954	8	9·177	8	9·405	8	9·639
46	8·958	58	9·181	70	9·409	82	9·643
2	8·962	2	9·185	2	9·413	2	9·647
4	8·965	4	9·189	4	9·417	4	9·651
6	8·969	6	9·192	6	9·420	6	9·655
8	8·972	8	9·196	8	9·424	8	9·659
47	8·976	59	9·200	71	9·428	83	9·663
2	8·980	2	9·204	2	9·432	2	9·667
4	8·984	4	9·207	4	9·436	4	9·671
6	8·987	6	9·211	6	9·440	6	9·674
8	8·991	8	9·214	8	9·444	8	9·678
48	8·995	60	9·218	72	9·448	84	9·682
2	8·999	2	9·222	2	9·452	2	9·686
4	9·002	4	9·226	4	9·456	4	9·690
6	9·006	6	9·229	6	9·459	6	9·694
8	9·009	8	9·233	8	9·463	8	9·698
49	9·013	61	9·237	73	9·467	85	9·702
2	9·017	2	9·241	2	9·471	2	9·706
4	9·021	4	9·245	4	9·475	4	9·710
6	9·024	6	9·248	6	9·479	6	9·714
8	9·028	8	9·252	8	9·483	8	9·718
50	9·082	62	9·256	74	9·487	86	9·722
2	9·036	2	9·260	2	9·491	2	9·726
4	9·039	4	9·264	4	9·495	4	9·730
6	9·043	6	9·267	6	9·498	6	9·733
8	9·046	8	9·271	8	9·502	8	9·737
51	9·050	63	9·275	75	9·506	87	9·741
2	9·054	2	9·279	2	9·510	2	9·745
4	9·058	4	9·283	4	9·514	4	9·749
6	9·061	6	9·286	6	9·517	6	9·753
8	9·065	8	9·290	8	9·521	8	9·757

Spirits.

Column A. Indication on Sykes's Hydrometer	Column B Weight per Gallon.	Column A Indication on Sykes's Hydrometer.	Column B. Weight per Gallon.	Column A. Indication on Sykes's Hydrometer	Column B Weight per Gallon.	Column A. Indication on Sykes's Hydrometer	Column B. Weight per Gallon.
88	9·761	91	9·820	94	9·880	97	9·942
2	9·765	2	9·824	2	9·884	2	9·946
4	9·769	4	9·828	4	9·888	4	9·950
6	9·773	6	9·832	6	9·892	6	9·955
8	9·777	8	9·836	8	9·896	8	9·959
89	9·781	92	9·840	95	9·900	98	9·963
2	9·785	2	9·844	2	9·904	2	9·967
4	9 789	4	9·848	4	9·908	4	9·972
6	9·792	6	9·852	6	9·913	6	9·976
8	9·796	8	9·856	8	9·917	8	9·981
90	9·800	93	9·860	96	9·921	99	9·985
2	9·804	2	9·864	2	9·925	2	9·989
4	9·808	4	9·868	4	9·929	4	9·994
6	9·812	6	9·872	6	9·934	6	9·998
8	9·816	8	9·876	8	9·938	8	10·003
						100	10·007

SCHE-

SCHEDULE (C.)

Of Acts to be REPEALED.

Date of Act.	Title of Act.	Extent of Repeal.
28 Geo. 3. c. 46. -	An Act for discontinuing for a limited Time the several Duties payable in Scotland upon Low Wines and Spirits, and upon Worts, Wash, and other Liquors there used in the Distillation of Spirits, and for granting to His Majesty other Duties in lieu thereof; and for better regulating the Exportation of British-made Spirits from England to Scotland and from Scotland to England; and to continue for a limited Time an Act made in the Twenty-sixth Year of the Reign of His present Majesty "to discontinue " for a limited Time the Payment of the Duties " upon Low Wines and Spirits for Home Con- " sumption; and for granting and securing the " due Payment of other Duties in lieu thereof; " and for the better Regulation of the making " and vending British Spirits; and for discon- " tinuing for a limited Time certain Imposts " and Duties upon Rum and Spirits imported " from the West Indies."	The whole Act.
1 & 2 Geo. 4. c. 82. -	An Act for allowing to Distillers of Spirits for Home Consumption in Scotland a Drawback of a Portion of the Duty on Malt used by them; and for the further Prevention of Smuggling of Spirits on the Borders of Scotland and England.	The whole Act.
3 Geo. 4. c. 52.	An Act to grant certain Duties in Scotland upon Wash or Spirits made from Corn or Grain, and upon Licences for making and keeping of Stills, and to regulate the Distillation of such Spirits for Home Consumption; and for better preventing private Distillation in Scotland, until the Tenth Day of November One thousand eight hundred and twenty-four.	The whole Act, except Sections 107 to 127 inclusive.
4 Geo. 4. c. 94. -	An Act to grant certain Duties of Excise upon Spirits distilled from Corn or Grain in Scotland and Ireland, and upon Licences for Stills for making such Spirits, and to provide for the better collecting and securing such Duties, and for the warehousing of such Spirits without Payment of Duty.	The whole Act, except Section 133.
6 Geo. 4. c. 58. -	An Act for providing equivalent Rates of Excise Duties, Allowances, and Drawbacks on Beer and Malt, and on Spirits made in Scotland or Ireland, according to the Measure of the new Imperial Standard Gallon.	The whole Act.
6 Geo. 4. c. 80. -	An Act to repeal the Duties payable in respect of Spirits distilled in England, and of Licences for distilling, rectifying, or compounding such Spirits, and for the Sale of Spirits, and to impose other Duties in lieu thereof; and to provide other Regulations for the Collection of the said Duties, and for the Sale of Spirits, and for the warehousing of such Spirits without Payment of Duty for Exportation.	The whole Act, except Section 145.

Spirits.

Date of Act.	Title of Act.	Extent of Repeal.
9 Geo. 4. c. 45. -	An Act to amend and to make perpetual, and to extend to the whole of the United Kingdom, certain Provisions contained in several Acts for regulating the Rectification, compounding, dealing in, or retailing of Spirits, and for preventing private Distillation in Scotland, and to provide for the Payment of the Duty on Malt used in making of Spirits from Malt only.	The whole Act, except so much of Section 2 as relates to the Prevention of private Distillation in Scotland.
11 Geo. 4. & 1 Will. 4. c. 49.	An Act to impose additional Duties of Excise on Spirits.	The whole Act.
2 Will. 4. c. 29. -	An Act to reduce the Allowance on Spirits made from Malt only in Scotland and Ireland.	The whole Act.
2 & 3 Will. 4. c. 74. -	An Act to permit the Distillation of Spirits from Mangel Wurzel.	The whole Act.
4 & 5 Will. 4. c. 75. -	An Act to repeal the Duties on Spirits made in Ireland, and to impose other Duties in lieu thereof; and to impose additional Duties on Licences to Retailers of Spirits in the United Kingdom.	The whole Act, except Sections 9 and 10.
6 & 7 Will. 4. c. 72. -	An Act to impose countervailing Duties of Excise on Mixtures, Compounds, Preparations, and Commodities made from or with Spirits removed from Ireland to England or Scotland, or from Scotland to England; and to grant countervailing Drawbacks on the Removal of the same, to repeal the additional Duties of Excise on Licences to Retailers of Spirits in the United Kingdom, and to alter the Laws relating to Distillers and Retailers of Spirits.	The whole Act.
5 Vict. Sess. 2. c. 15.	An Act to impose an additional Duty on Spirits, and to repeal the Allowance on Spirits made from Malt only in Ireland.	The whole Act.
5 Vict. Sess. 2. c. 25.	An Act to repeal the present and impose and allow new countervailing Duties and Drawbacks of Excise on Mixtures and Preparations made with Spirits when removed from or into England, Scotland, or Ireland respectively, and to suspend for a limited Time so much of an Act of the present Session as repeals the Allowance on Spirits made from Malt only in Ireland.	The whole Act, except Section 4.
6 & 7 Vict. c. 49. -	An Act to reduce the Duty on Spirits in Ireland, and to impose other countervailing Duties and Drawbacks on the Removal of certain Mixtures and Compounds between Ireland, England, and Scotland respectively.	The whole Act.
8 & 9 Vict. c. 65. -	An Act to determine the countervailing Duties payable on Spirits of the Nature of plain British Spirits, the Manufacture of Guernsey, Jersey, Alderney, or Sark, imported into the United Kingdom, and to prohibit the Importation of rectified or compound Spirits from the said Islands.	The whole Act.
10 & 11 Vict. c. 6.	An Act to further encourage the Distillation of Spirits from Sugar in the United Kingdom.	The whole Act.
11 & 12 Vict. c. 100.	An Act to permit the Distillation of Spirits from Sugar, Molasses, and Treacle in the United Kingdom.	The whole Act.

Spirits.

Date of Act.	Title of Act.	Extent of Repeal.
11 & 12 Vict. c. 121.	An Act to alter the Laws and Regulations of Excise respecting the Survey of Dealers in and Retailers of Spirits, and respecting the Sale and Removal of Spirits by Permit from the Stock of such Traders, and respecting the Distribution of Penalties and Forfeitures recovered under the Laws of Excise.	The whole Act, except Sections 9, 10, 11, 18. and 28.
11 & 12 Vict. c. 122.	An Act to amend the Laws respecting the warehousing of British Spirits in England, Scotland, and Ireland respectively, and to permit Spirits made from Malt only, and Spirits made from Malt and other Grain, and rectified Spirits to be exported on Drawback from any Part of the United Kingdom, and respecting certain Spirit Mixtures and the Removal of Goods subject to Excise Regulations from Customs Warehouse.	The whole Act, except Section 26.
16 & 17 Vict. c. 37. -	An Act to impose additional Duties on Spirits in Scotland and Ireland, and to alter the countervailing Duties on Spirits the Manufacture of Guernsey, Jersey, Alderney, or Sark imported into Scotland or Ireland, and the countervailing Duties and Drawbacks on the Removal of certain Mixtures and Compounds between Scotland, Ireland, and England respectively, and to amend the Laws relating to the collecting and securing the Duties of Excise upon Spirits.	The whole Act.
17 & 18 Vict. c. 27. -	An Act for granting certain additional Rates and Duties of Excise.	The whole Act, except Section 8.
18 Vict. c. 22. -	An Act for granting certain additional Rates and Duties of Excise.	The whole Act.
18 & 19 Vict. c. 94. -	An Act to impose increased Rates of Duty of Excise on Spirits distilled in the United Kingdom, to allow Malt, Sugar, and Molasses to be used Duty-free in the distilling of Spirits, in lieu of Allowances and Drawbacks on such Spirits, Sugar, and Molasses respectively, and to amend the Laws relating to the Duties of Excise.	Sections 1, 2, 3, 4. 9, 10. 28. 30, 31. 33 and 34.
19 & 20 Vict. c. 51. -	An Act to permit the Use of Rice in the Distillation of Spirits.	The whole Act.
21 & 22 Vict. c. 15. -	An Act for granting certain additional Rates and Duties of Excise.	The whole Act

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VICTORIÆ REGINÆ.

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CAP. CXV.

An Act to simplify and amend the Practice as to the Entry of Satisfaction on Crown Debts and on Judgments. [28th *August* 1860.]

WHEREAS by several Acts of Parliament Debts and Obligations to the Crown, Judgments pending Suits, and Annuities are severally required to be registered in the Office of the Senior Master of the Court of Common Pleas at *Westminster*, in order to affect any Lands, Tenements, and Hereditaments sought to be charged therewith, and it is expedient to simplify and amend the Practice with respect to the Entry of Satisfaction or Discharge on the Registry thereof respectively: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. All the Powers, Provisions, and Regulations concerning Bonds and other Securities relating to the Customs contained in Sections One hundred and ninety-five, One hundred and ninety-six, and One hundred and ninety-seven of the Act passed in the Session of Parliament holden in the Sixteenth and Seventeenth Years of Her Majesty's Reign, Chapter One hundred and seven, shall, *mutatis mutandis*,

Provisions of Sections 195, 196, and 197 of 16 & 17 Vict. c. 107. extended to all Bonds to the Crown.

mutandis, be deemed to extend and shall be applied to all Bonds and other Securities entered into or given to Her Majesty, Her Heirs or Successors: Provided always, that in every Case in which under the Provisions of the said Sections any Certificate is required to be signed or any other Matter authorized to be done by the Commissioners of Customs, or any Number of them, any such Certificate or Matter in relation to any Bond or other Security concerning or incident to any Public Department shall respectively be signed and done by the respective Commissioners or other principal Officers of such Department, or any Two of them respectively, or if there shall be only One such Commissioner or principal Officer then by him, as the Case may be, or if there shall be no such Commissioner or other principal Officer then by the Commissioners of Her Majesty's Treasury or any Two of them.

As to Entry of Satisfaction on Judgments.

II. The Senior Master of the Court of Common Pleas at *Westminster* may, upon the filing with him of an Acknowledgment in the Form or to the Effect following, be at liberty to enter a Satisfaction or Discharge as to any registered Judgment, pending Suit, Lis pendens, Decree, Order, Rule, Annuity, or Rentcharge or Writ of Execution, and such Officer shall be entitled for any such Registry of Satisfaction or Discharge to the Sum of Two Shillings and Sixpence, and no more; and such Senior Master may issue Certificates of the Entry of any Satisfaction or Discharge, and may charge the Sum of One Shilling for every such Certificate.

Form of Acknowledgment of Satisfaction.

SATISFACTION is acknowledged between *A.B.* and *C.D.* as to a dated the Day of 18 for the Sum of £ a Memorandum of which said was left with the Senior Master of the Court of Common Pleas at Westminster on the Day of 18 to affect the Estate of and [if so] on the Writ of Execution thereon, dated the Day of 18 , a Memorandum of which was left with the said Master on the Day of 18 .

And (*or* the Executor or Administrator of) do hereby expressly nominate and appoint of Attorney-at-Law to witness and attest the Execution of this Acknowledgment of Satisfaction.

Signed by the said in the Presence of me, the undersigned , One of the Attorneys of Her Majesty's Court of at Westminster, and I hereby declare myself to be the Attorney for and on behalf of the said expressly named by and attending at request to inform him of the Nature and Effect of this Acknowledgment of Satisfaction (which I accordingly did before the same was signed by), and I also declare that I subscribe my Name as Witness hereto as such Attorney.

A.B. the above-named [*or F.G.*, Executor or Administrator of] the Day of 18 .

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declared to be as legal and valid to all Intents and Purposes whatsoever as if such Election had taken place subsequent to the passing of this Act.

Polling at Elections for Coroners to continue for One Day only.

II. From and after the passing of this Act, so much of the Act Seven and Eight *Victoria*, Chapter Ninety-two, as authorizes the Polling at Elections for Coroners to continue for Two Days shall be and the same is hereby repealed, and thenceforth such Polling shall continue for One Day only.

Provisions as to Remuneration of Coroners by Fees repealed.

III. From and after the Thirty-first Day of *December* One thousand eight hundred and sixty, so much of any Act as provides for the Remuneration of County Coroners by Fees, Mileage, and Allowances, shall be and the same is hereby repealed.

County Coroners to be paid by Salary.

IV. On and after the First Day of *January* One thousand eight hundred and sixty-one, there shall be paid to every County Coroner, in lieu of the Fees, Mileage, and Allowances which if this Act had not been passed he would have been entitled to receive, such an annual Salary as shall be agreed upon between him and the Justices in General or Quarter Sessions assembled for the County for which, or for some Portion of which, such Coroner shall act, such Salary in the Case of any Person holding the Office of County Coroner at the Time of the passing of this Act not being less than the average Amount of the Fees, Mileage, and Allowances actually received by such Coroner and his Predecessors, if any, for the Five Years immediately preceding the Thirty-first Day of *December* One thousand eight hundred and fifty-nine; and such Salary shall be paid quarterly to such Coroner by the Treasurer of the County out of the County Rate; and whenever from Death, Removal, or any other Cause whatever any County Coroner shall not be entitled to a Salary for the whole of a Quarter, a proportionate Part of the Salary shall be paid to him, or, in case of his Death, to his Personal Representatives: Provided always, that in case any such Justices and any such County Coroner as aforesaid shall be unable to agree as to the Amount of the Salary to be paid to such Coroner, it shall be lawful for Her Majesty's Principal Secretary of State for the Home Department, and he is required, upon the Application of such Coroner, to fix and determine the Amount of such Salary, having regard to such Average as aforesaid, also the Average Number of Inquests held by any such Coroner in the preceding Five Years as aforesaid, and also to the special Circumstances of each Case, and the general Scale of Salaries of County Coroners; provided also, that after the Lapse of every successive Period of Five Years it shall be lawful for any such Justices and such Coroner as aforesaid to revise, and thereby increase

increase or diminish, any such Salary, having regard to the average Number of Inquests held by any such Coroner in the Five Years immediately preceding, and subject in case of their Disagreement to such Appeal to the Home Secretary as before mentioned: Provided always, that nothing herein contained shall in any Manner take away, alter, or deprive any such Coroner of the Right to be repaid out of the County Rate the Expenses and Disbursements which may have been paid or made by him on the holding of any Inquest as provided by the Act First *Victoria*, Chapter Sixty-eight.

If Coroner refuse to hold Inquest, Application may be made to a Judge for a Rule to show Cause.

V. If any Coroner shall refuse or neglect to hold an Inquest in any Case when such Inquest ought to be held, it shall be lawful for Her Majesty's Attorney General to apply to the Court of Queen's Bench, or during Vacation to a Judge of any One of Her Majesty's Superior Courts of Law at *Westminster*, for a Rule calling on such Coroner to show Cause why he should not hold such Inquest, and if after due Service of such Rule good Cause shall not be shown against it, it shall be lawful for the Judge to make such Rule absolute, with or without Payment of Costs as to such Judge shall seem meet, and the Coroner, upon being served with such Rule Absolute, shall obey the same, and hold such Inquest, upon pain of being liable to an Attachment in case of Refusal or Neglect.

Power to remove Coroner.

VI. It shall be lawful for the Lord Chancellor, if he shall think fit, to remove for Inability or Misbehaviour in his Office any such Coroner already elected or appointed, or hereafter to be elected or appointed.

County of Chester to be henceforth subject to the General Law.

VII. From and after the passing of this Act so much of the Public General Act Seventh and Eighth *Victoria*, Chapter Ninety-two, as exempts the County of *Chester* from the Provisions of that Act, and also the Local and Personal Act, Three *Victoria*, Chapter Eighty-seven, authorizing the Appointment of additional Coroners for the County Palatine of *Chester* (except the Twenty-first Section of that Act, so far as regards the Head Coroners now in Office for the Three Divisions into which that County is now divided), and also so much of the Act of the Thirty-third Year of King *Henry* the Eighth, Chapter Thirteen, as relates to Coroners for the Shire of Chester are hereby repealed, and all the Provisions of this Act, and of the Public General Act, Seventh and Eighth *Victoria*, Chapter Ninety-two (except the said Exemption) and all other Public General Acts, Laws, Statutes, and Usages relating to Coroners for Counties, from Time to Time in force, shall, from and after the passing of this Act, extend and apply to the County of *Chester* and the Coroners for the Divisions

Divisions into which that County is now or hereafter may be divided: Provided always, that notwithstanding such Repeal the present Divisions of the County of *Chester* under the Powers of the said Local and Personal Act, Three *Victoria*, Chapter Eighty-seven, shall continue, unless and until that County shall be divided into other Districts under the Powers of the said Public General Act, Seventh and Eighth *Victoria*, Chapter Ninety-two, and the said present Divisions shall be deemed to have been made under the last-mentioned Act, without Prejudice to the Provisions contained in the Twenty-first Section of the said Local and Personal Act so far as regards the present Head Coroners of the said County; provided also, that such Repeal shall not invalidate or affect the Election of the present Head Coroners for the said County, but (subject to any future Alteration or Division of their respective Divisions or Districts under the Public General Act, Seventh and Eighth *Victoria*, Chapter Ninety-two,) they shall continue in Office as if such Repeal had not taken place.

Interpretation of "County."

VIII. The Word "County" in and throughout this Act shall be deemed and taken to include all Counties, Ridings, Divisions, Hundreds, Wards, Liberties, and other Places the Coroners whereof are paid out of the County Rates.

Saving Rights of the Crown, &c.

IX. Nothing herein contained shall be construed to abridge or affect the Royal Prerogative, or any Right vested in any Person or Persons, to appoint by Patent or by Election, or otherwise, any Coroner for any City, Borough, Liberty, Franchise, Manor, or Place, or the Authority of the Lord Chancellor, or to issue a Writ De coronatore eligendo.

Extent of Acts.

X. The said Act of the Seventh and Eighth *Victoria*, Chapter Ninety-two (as varied by this Act), and this Act, shall extend only to that Part of the United Kingdom called *England* and *Wales*.

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CAP. CXVII.

An Act to confer Powers on the Commissioners of Her Majesty's Works and Public Buildings to acquire certain Property in *Edinburgh*, for the Erection of an Industrial Museum for *Scotland*.

[28th *August* 1860.]

WHEREAS under the Provisions of an Act passed in the Eighteenth and Nineteenth Year of the Reign of Her present Majesty, Chapter Eighty, intituled *An Act to ratify conditional Agreements entered into by the Commissioners of Her Majesty's Works and Public Buildings, and to vest in the said Commissioners certain Property situate near the College of* Edinburgh *in the City of* Edinburgh, *together with the General Register House in the said City, and all Lands held therewith, and to enable the said Commissioners to acquire certain Property near the Palace of* Holyrood, certain Property was acquired and vested in the said Commissioners for the Purpose of erecting a National Museum of Industry for *Scotland* within the City of *Edinburgh:* And whereas it has been found that the Property so acquired and vested is of inadequate Extent for that Purpose, and it is necessary and expedient that certain Lands, Houses, and other Property situate in or adjoining to *Argyle Square* in the City Parish of *Edinburgh* or Parish of *Easter* 18 & 19 Vict. c. 80.

 or

or *Old Greyfriars* within the Royalty and City of *Edinburgh*, described in the Schedule to this Act annexed, should be acquired and appropriated by the said Commissioners for the Erection of the said National Museum of Industry: And whereas a Plan describing the said Lands, Houses, and other Property to be acquired by the said Commissioners under the Authority of this Act has been deposited in the Office at *Edinburgh* of the Sheriff Clerk of the County of *Mid Lothian:* Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. This Act may be cited for all Purposes as "The Industrial Museum (*Scotland*) Act, 1860."

8 & 9 Vict. c. 19. incorporated.

II. "The Lands Clauses Consolidation (*Scotland*) Act, 1845," save and except such Parts as relate and so far only as such Parts relate to Compensation for any Damage or Injury to or to injuriously affecting any Lands by reason of the Execution of any Works, and also save and except Sections Fifteen, Sixteen, Forty-eight, Eighty to Ninety-two inclusive, One hundred and twenty to One hundred and twenty-eight inclusive, One hundred and thirty-two, One hundred and thirty five, One hundred and forty-two, and One hundred and forty-three of the said Act, shall, so far as the same may be applicable to and not inconsistent with or modified by this Act, be incorporated with and form Part of this Act; and the Expression "the special Act" in the said Act shall mean this Act; and the Expression "the Promoters of the Undertaking" in the said Act shall mean the Commissioners of Her Majesty's Works and Public Buildings for the Time being, incorporated by this Act.

Interpretation of Terms.

III. The following Words shall have the several Meanings hereby assigned to them:

The Word "Commissioners" in this Act shall mean the Commissioners of Her Majesty's Works and Public Buildings for the Time being, incorporated by this Act:

The Word "Lands" in this Act and in the Act herewith incorporated, so far as the same relates to the Purposes of this Act, shall mean and include Houses, Buildings, Tenements, Cellars, Areas, Streets, Squares, Ways, Paths, Passages, Stairs, Galleries, Walls, Yards, Sheds, Workshops, Water Tanks, Gardens, vacant Ground, and Subjects of every Description and of every Tenure, and all public and private Rights, Liberties, Privileges, and Servitudes of every Description, in, over, upon, under, or through the same or any of them.

IV. The

IV. The Persons who for the Time being, under the Provisions of the Act Fourteenth and Fifteenth *Victoria*, Chapter Forty-two, shall be Commissioners of Her Majesty's Works and Public Buildings, shall for the Purposes of this Act be and are hereby constituted a Corporation by the Name and Style of "The Commissioners of Her Majesty's Works and Public Buildings," and by that Name shall have perpetual Succession and a Common Seal, to be by them from Time to Time altered as they may think fit.

Commissioners of Works incorporated for Purposes of this Act.

V. It shall be lawful for the Commissioners and they are hereby authorized, out of any Monies which have been or which may be appropriated by Parliament, and put at their Disposal for that Purpose, to purchase and acquire, as provided in this Act and in the Act herewith incorporated, the Lands described on the said deposited Plan and in the Schedule to this Act annexed, and to pull down and remove the Buildings thereon, when so purchased, and to appropriate the Sites of the said Buildings, and all the Ground mentioned in the said Schedule, whether now used as Streets, Squares, Ways, Paths, Passages, Yards, Gardens, Pleasure Grounds, vacant Ground, or otherwise, for the Erection thereon or on some Part or Parts thereof of a Building or Buildings for the said National Museum of Industry, and the necessary Accesses and Approaches thereto, and to carry the Purposes of this Act into execution in manner herein mentioned.

Commissioners to carry Act into execution.

VI. In all Cases of disputed Compensation for Lands to be purchased or acquired by the Commissioners under the Provisions of this Act, and the Act herewith incorporated, in which the Verdict of a Jury shall be given, or the Award of Arbiters or an Oversman shall be issued, the Jury, Arbiters, or Oversman shall in such Verdict or Award state separately and distinctly the Amount of Compensation awarded in respect of the Value of such Lands, and the Amount, if any, awarded in respect of Damage sustained or to be sustained from the Loss thereof by the Party from whom such Lands are to be acquired, and the Jury, Arbiters, or Oversman shall, if required by the Commissioners, declare in such Verdict or Award whether the Particulars of the Claim have been computed, made up, and delivered to the Commissioners in such Manner as to enable them to make a proper Offer of Compensation.

Value of Lands to be ascertained distinct from Damages.

VII. In all Cases where by the Verdict of a Jury or the Award of Arbiters or an Oversman a less Sum is awarded to the Party claiming Compensation than had been previously to the Commencement of the Inquiry offered to him by the Commissioners, and where by such Verdict or Award it is declared that the Particulars of the Claim have not been computed, made up, and delivered to the Commissioners in such Manner as to enable them to make a proper Offer of

As to Expenses of Proceedings before Juries and Arbiters.

of Compensation, the Party so claiming shall not only be liable in Payment of the Expenses incurred by him in the Course of the Inquiry, but also in Payment of the Expenses incurred by the Commissioners in the Inquiry, as the same shall be taxed by the Auditor of the Court of Session, unless the Jury, Arbiters, or Oversman by a special Finding declare that the Commissioners shall bear their own Expenses.

Purchases to be made under the Authority of the Treasury.

VIII. No Purchase shall be made by the Commissioners for the Purposes of this Act except with the Consent of the Commissioners of Her Majesty's Treasury, but it shall not be necessary for any Seller to ascertain that such Consent has been given, nor shall the Commissioners be bound to produce to any Seller any Evidence of such Consent: Provided that such Consent may be given either generally, or for any particular Purchase or Purchases, as to the Commissioners of Her Majesty's Treasury shall seem meet.

Lands acquired to be vested in Commissioners for the Public Service.

IX. All Lands purchased or acquired by the Commissioners under the Authority of this Act and to the Act herewith incorporated shall be vested in them for the Public Service, and shall be subject to the Provisions of the Act Fifteenth *Victoria*, Chapter Twenty-eight, and in all respects as if such Lands had been acquired under the Provisions of that Act.

Materials, &c. vested in the Commissioners.

X. The Right and Property of all the Materials, Implements, Utensils, and Things whatsoever which may be provided by the Commissioners or by their Order, or under any Contract to be entered into by them, or which may otherwise belong to and be used by them for the Purposes of this Act, and also any Materials which formed Part of any Buildings which may be pulled down by the Direction of the Commissioners, in pursuance of the Powers of this Act, shall be vested in the Commissioners, and they are hereby empowered to dispose of and apply the same for the Purposes of this Act as they shall think fit, and to bring any Action, and to prosecute any Person who shall steal, secrete, injure, damage, or dispose of the same or any of them respectively to their own Use and Uses, or shall disturb the Commissioners or their Officers or other Persons acting under them in the Possession thereof.

Power to alter Streets and Ways.

XI. It shall be lawful for the Commissioners to alter, widen, bridge over, or otherwise vary all such Streets, Ways, Paths, Passages, Roads, or Accesses connected with, adjoining, or near to, or which now lead into or pass through the Lands to be purchased or acquired as aforesaid, as shall be necessary for the Purposes of this Act; and the Ground and Soil of such Streets, Ways, Paths, Passages, Roads, or Accesses, or Parts thereof respectively, as shall be so altered, widened, bridged

bridged over, or otherwise varied, shall be and are hereby vested in the Commissioners for the Purposes of this Act: Provided that the Commissioners shall cause to be constructed an Access or Communication between the Buildings of the University of *Edinburgh* and the Buildings of the National Museum of Industry, the Use of which Access or Communication shall be subject to such Regulations as the Commissioners may from Time to Time prescribe.

Streets may be raised or lowered.

XII. It shall be lawful for the Commissioners to raise or lower the Ground of any Streets or Ways which shall communicate with the Building or Buildings so to be erected as aforesaid, or any Part or Parts thereof.

Lands may be taken notwithstanding Errors in Schedule.

XIII. It shall be lawful for the Commissioners to purchase, take, and use for the Purposes of this Act any of the Lands described on the said Plan and in the Schedule to this Act annexed, although such Lands, or the Name or Names of the Owner, Lessee, or Occupier thereof, may happen to be erroneously stated or omitted in the said Schedule, provided it shall appear to and be certified by any Two or more of the Justices of the Peace for the City of *Edinburgh* that such Error or Omission proceeded from Mistake or erroneous Information.

Power to clear Ground and sell old Materials.

XIV. It shall be lawful for the Commissioners to pull down or cause to be pulled down all Houses, Buildings, and other Erections purchased or acquired under this Act, or such of them or such Parts thereof as they shall deem expedient to be pulled down, and to level and clear the Ground whereon the same stand, and all other Ground to be purchased under this Act, in such Manner as they shall think proper, and, if they shall see fit, to sell or cause to be sold the Materials of the Houses and other Buildings so to be taken down and removed; and the Monies produced by the Sale thereof (after deducting the Expenses of pulling down such Houses and Buildings respectively, and of such Sale or Sales), and also the Rents and Profits of such Lands as may be purchased or acquired under this Act, until the same shall be pulled down or cleared, shall be received and applied by the Commissioners for the Purposes of this Act.

Actions may be brought for Breach of Contract.

XV. In case any Contract entered into with the Commissioners in pursuance of this Act shall not be well and sufficiently performed according to the Intent and Meaning of such Contract, or in case any Work to be executed in pursuance of this Act shall not be executed according to the Intent and Meaning of any Contract entered into with the Commissioners, or shall not be completed within the Time or Times specified in such Contract, then and in every such Case the Commissioners may cause an Action to be brought in any of the Courts of Law in *Scotland* against any Contractor or his Sureties

 for

for any Penalty contained in his Contract, and on Proof of the Nonperformance thereof at the Time or Times for that Purpose therein mentioned the Commissioners shall be entitled to and shall recover the full Penalty contained in any such Contract, any Law, Custom, or Usage to the contrary in anywise notwithstanding, which Penalty, when recovered, shall be applied to the Purposes of this Act: Provided that it shall be lawful for the Commissioners, if they think fit, to compound and agree with any such Contractor for any Penalty incurred by him or his Sureties for the Breach or Nonperformance of any such Contract for such Sum of Money as the Commissioners shall think proper.

Surplus Lands may be sold.

XVI. It shall be lawful for the Commissioners from Time to Time, in such Manner as they may deem most advantageous, with Consent of the Commissioners of Her Majesty's Treasury, to sell, excamb, feu, or in any other Manner dispose of or to let all or any of the Lands purchased or acquired by them under the Authority of this Act, and which may not be required for the Purposes thereof, and to execute all Conveyances, Contracts, Leases, or other Deeds and Writings that may be requisite and necessary.

Lands acquired by Excambion to vest in Commissioners.

XVII. All Lands that may be acquired by the Commissioners by way of Excambion shall vest in them for the same Uses and Purposes, and with the like Powers in all respects, as are hereby declared with respect to Lands purchased or acquired under the Provisions of this Act.

Monies to be paid to Paymaster General.

XVIII. All Monies payable to the Commissioners under the Provisions of this Act, arising from the Sale of any Lands or Materials or otherwise, or which may be payable by way of Rent, Premium, Feu Duty, Compensation, or otherwise, shall be paid to Her Majesty's Paymaster General for the Time being, whose Receipt shall be a sufficient Discharge for such Monies to the Person paying the same; and such Monies so paid as aforesaid shall from Time to Time be by such Paymaster General paid over and applied as the Commissioners shall by any Order direct, and in the meantime shall be applied or invested in the Purchase of Exchequer Bills, if the Commissioners shall so direct.

Contracts made by First Commissioner of Works to be valid.

XIX. All Contracts made by the First Commissioner of Her Majesty's Works and Public Buildings in the Execution of any of the Powers by this Act conferred on the Commissioners shall be valid and binding on the Commissioners as if the same had been under their Corporate Seal.

Notices by Commissioners.

XX. All Notices and other Writs and Proceedings which under this Act are to be given or executed by the Commissioners may be given

given or executed under the Hand of *Donald Horne*, Writer to the Signet, their Solicitor in *Scotland*, or of their Solicitor in *Scotland* for the Time being, or of *Robert Matheson*, their Surveyor of Works in *Scotland*, or of their Surveyor of Works in *Scotland* for the Time being.

Notices to Commissioners.

XXI. All Notices and other Writs and Proceedings which under this Act are to be given to or served on the Commissioners shall be given to or served on the said *Donald Horne* or *Robert Matheson*, or their Solicitor or Surveyor of Works in *Scotland* for the Time being, by being left at or transmitted through the Post to their respective Places of Business in *Edinburgh*.

Deeds and Instruments not liable to Stamp Duty.

XXII. No Deed, Bond, Discharge, Receipt, or other Instrument which shall be made or executed by, to, or with the Commissioners, or otherwise, for any of the Purposes of this Act, shall be subject or liable to any Stamp Duty imposed by any Act now in force, or to any Stamp Duty to be imposed by any future Act, unless such Instruments be specially subjected and specially charged therewith by any future Act.

Saving Rights of Her Majesty.

XXIII. Nothing in this Act contained shall defeat, abridge, or injuriously affect, in any Action, Suit, or other Proceeding, the legal Rights, Privileges, or Prerogatives of Her Majesty, Her Heirs and Successors.

Protection of Commissioners personally.

XXIV. Nothing in this Act contained, and nothing done under or in pursuance thereof, shall extend to charge the Commissioners or any of them with the Payment of any Penalty or Penalties, or to charge, affect, or make liable the Person or Persons of the Commissioners or any of them, or their Heirs, Executors, or Administrators, or their own proper Lands, Tenements, Goods, Chattels, or Property, in, under, or by reason of any Actions, Suits, Arbitrations, or other Proceedings whatsoever, at Law, in Equity, or otherwise, instituted, agreed, made, or taken under or in pursuance of this Act, nor shall the Commissioners or any of them be personally liable, nor shall the Property of the Commissioners or any of them be liable, to any legal Process or Execution in any such Actions, Suits, Arbitrations, or other Proceedings as aforesaid.

SCHEDULE referred to in this Act.

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
1.1.1.1.1. 1.1.1.1.1. 1.	Dwelling House, with Cellars, Areas, Outbuildings, Back Ground, and Division Walls.	Miss Isabella Campbell, residing at No. 4. Melville Street, Edinburgh; Miss Agnes Broun, also residing there; and Archibald Broun, Esquire, Advocate, No. 40, Drummond Place, Edinburgh.	John Cochrane, M.D., No. 17, Argyle Square.	John Cochrane, M.D., No. 17, Argyle Square.
2.2.2.2.2. 2.2.2.2.	Dwelling House, with Cellars, Areas, Outbuildings, Back Ground, and Division Walls.	The same - -	Alexander Maxwell Adams, M.D., No. 16, Argyle Square.	Alexander Maxwell Adams, M.D., No. 16, Argyle Square.
3.3.3.3.3. 3.3.3.	Dwelling House, with Cellars, Areas, Outbuildings, Back Ground, and Division Walls.	Alexander Callender, No. 27, Grey Street, Edinburgh.	James Watson, Teacher of Arithmetic, No. 15, Argyle Square.	James Watson, Teacher of Arithmetic, No. 15, Argyle Square.
4.4.4.4.4. 4.4.4.	Dwelling House, with Cellars, Areas, Outbuildings, Back Ground, and Division Walls.	Mrs. George Watson, No. 23, George Square, Edinburgh.	Andrew Gibb, Commission Agent, No. 14, Argyle Square.	Andrew Gibb, Commission Agent, No. 14, Argyle Square.
5.5.5.5.5. 5.5.5.5.	Dwelling House, with Cellars, Areas, Outbuildings, Back Ground, and Division Walls.	James Lindsay, Fruit Salesman, No. 13, Argyle Square.	- - -	James Lindsay, Fruit Salesman, No. 13, Argyle Square.
6.6.6.6.6. 6.6.6.6.	Dwelling House, with Cellars, Areas, Outbuildings, Back Ground, and Division Walls.	The Reverend Thomas Hardie, Wester Foulis, Crieff; John Forrester, W.S., No. 8, Drummond Place, Agent.	The Reverend James Wright, No. 12, Argyle Square.	The Reverend James Wright, No. 12, Argyle Square.
7.7.7.7.7. 7.7.7.7.7. 7.	Tenement of Dwelling Houses, with Cellars, Areas, Outbuildings, Back Ground, Sheds, Covered Passage, and Boundary and Division Walls.	John Ord Mackenzie, W.S., No. 9, Hill Street, Edinburgh, as sole surviving Trustee of the late John Mackintosh, Surgeon in the Royal Artillery.	- - -	John Smith, Tailor; Mrs. Mary Scott; Matthew Combe, Tailor; Mrs. James Hamilton; Mrs. Margaret Macfarlane; James Thyne, Draper; Robert Macfarlane, Gas Surveyor; James Barron, Butler; all of No. 11, Argyle Square.

Industrial Museum (Scotland).

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
8.8.8.8.8. 8.8.	Dwelling House, with Cellars, Areas, Outbuildings, Back Ground, and Division Walls.	Miss Isabella Campbell, residing at No. 4, Melville Street, Edinburgh; Miss Agnes Broun, also residing there; and Archibald Broun, Esquire, Advocate, No. 40, Drummond Place, Edinburgh.	The Reverend William Nisbet, No. 10, Argyle Square.	The Reverend William Nisbet, No. 10, Argyle Square.
9.9.9.9.9. 9.9.9.	Dwelling House, with Cellars, Areas, Outbuildings, Back Ground, and Division Walls.	Mrs. Ebenezer Wallace, No. 13, London Street, Edinburgh, and Ebenezer Wallace, W.S., her Husband; the Rev. James Duncan, Minister of the Free Church at Temple, by Gorebridge.	The Reverend James Gardner, M.D., No. 9, Argyle Square.	The Reverend James Gardner, M.D., No. 9, Argyle Square.
10.10.10. 10.10.	Pleasure Ground in Argyle Square, with Parapets, Copes, Iron Rails, and Gates enclosing the same.	Miss Isabella Campbell, residing at No. 4, Melville Street, Edinburgh; Miss Agnes Broun, also residing there; and Archibald Broun, Esquire, Advocate, No. 40, Drummond Place, Edinburgh.	—	—
11.11.11. 11.	Tenement of Dwelling Houses, Shops, and Warehouses in Brown Square.	The Honourable Walter Elliott of Wollice, Madras Civil Service; and Samuel Hay, Manager of the Union Bank of Scotland, Edinburgh, his Commissioner.	- - -	John Schultze, Printer, Mrs. Anne Mackenzie, Jane Gowans, all of No. 20, Brown Square, Edinburgh; Mrs. Jane Gowans, Grocer, No. 21, Brown Square, Edinburgh; Messrs. Muir and Wilson, Commission Agents, Nos. 22, 23, and 24, Brown Square, Edinburgh; and William Muir and Thomas Wilson, the individual Partners of that Firm; James Hunter, Provision Merchant, No. 26, Brown Square, Edinburgh.

Industrial Museum (Scotland).

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
12.12.	Portion of ruinous Tenement.	The Lord Provost, Magistrates, and Council of the City of Edinburgh, James Laurie, City Clerk, No. 10, Royal Exchange, Edinburgh; and the City of Edinburgh Paving Board, William Duncan, S.S.C., No. 1, Heriot Row, Edinburgh, Clerk.	- - -	James Doull, Joiner and House Agent, No. 11, West Adam Street, Edinburgh; William Anderson, Slater and Glazier, No. 10, North College Street, Edinburgh.
13.13.13. 13.13.13.	Remaining Portion of ruinous Tenement, with Workshops, Areas, Stables, and Boundary and Division Walls.	Charles M'Gibbon, Builder, No. 7, East Claremont Street, Edinburgh.	- - -	The same; and James Hunter, Provision Merchant, No. 26, Brown Square, Edinburgh.
14.14.14.	Enclosed Space and Shed.	The Lord Provost, Magistrates, and Council of the City of Edinburgh, James Laurie, City Clerk, No. 10, Royal Exchange, Edinburgh; and the City of Edinburgh Paving Board, William Duncan, S.S.C., No. 1, Heriot Row, Edinburgh, Clerk.	- - -	Robert Berry and Alex. Berry, Builders, Nos. 22 and 24 Society, Edinburgh.
15.15.15.	Range of Buildings, comprehending a Barm Brewery, Stables, Coach-houses, Lofts, Dungstead, and Cellar.	Sir John Hall of Dunglass, Baronet, as sole surviving Trustee of the late Mrs. Isabella Atkinson or Potts, Widow of the deceased Thomas Potts, Merchant and Grocer, Bristo Port, Edinburgh.	The Union Barm Company, Alex. M'Kean Baker, No. 2, Charles St., Edinburgh, Treasurer.	The Union Barm Company, Alex. M'Kean, Baker, No. 2, Charles St., Edinburgh, Treasurer; Archibald Aikman and Co., Merchants, No. 1, Victoria Street, Edinburgh; Peter Wilson and Co., Spirit Dealers, Regent Arch, Edinburgh; Robert Berry and Alexander Berry, Builders, Nos. 22 and 24 Society, Edinburgh.
16.16.16. 16.16.16. 16.	Enclosed Space, with Walls and Door.	Edinburgh Water Company, Alex. Ramsay, Manager, No. 123, Princes Street, Edinburgh.	-	Edinburgh Water Company, Alex. Ramsay, Manager, No. 123, Princes Street, Edinburgh.

Industrial Museum (Scotland).

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
17.17.	Cellar, with Walls and Roof.	John Ord Mackenzie, W.S., No. 9, Hill Street, Edinburgh, as sole surviving Trustee of the late John Mackintosh, Surgeon in the Royal Artillery.	- - -	James Jamieson, Bookbinder, Society, Edinburgh.
18.18.18. 18.18.18. 18.	Bleaching Green, with Boundary and Division Walls and Stairs.	Miss Isabella Campbell, residing at No. 4, Melville Street, Edinburgh; Miss Agnes Broun, also residing there; and Archibald Broun, Esq., Advocate, No. 40, Drummond Place, Edinburgh.	- - -	Mrs. Berry; Robert Berry, Builder, No. 24, Society; Alexander Berry, Builder, No. 22, Society; Rev. James Wright, No. 12, Argyle Square, Edinburgh; Rev. Thomas Hardie, Wester Foulis, Crieff; Rev. James Gardner, M.D., No. 9, Argyle Square, Edinburgh.
19.19.19. 19.19.	City Wall.	The Lord Provost, Magistrates, and Council of the City of Edinburgh, James Laurie, City Clerk, No. 10, Royal Exchange, Edinburgh.	—	—
20.20.20. 20.20.20. 20.20.20. 20.20.20. 20.20.20. 20.20.20. 20.20.20. 20.20.20. 20.20.20. 20.20.20. 20.20.20. 20.20.20. 20.20.20. 20.20.	Streets, Paved Ways, Road Ways, and Passages.	The same, and the City of Edinburgh Paving Board, William Duncan, S.S.C., No. 1, Heriot Row, Edinburgh, Clerk.	- - -	The Lord Provost, Magistrates, and Council of the City of Edinburgh, James Laurie, City Clerk, No. 10, Royal Exchange, Edinburgh; the City of Edinburgh Paving Board, William Duncan, S.S.C., No. 1, Heriot Row, Edinburgh, Clerk.

The Lord Provost, Magistrates, and Council of the City of Edinburgh, and the said Miss Isabella Campbell, residing at No. 4, Melville Street, Edinburgh, Miss Agnes Broun, also residing there, and Archibald Broun, Esquire, Advocate, No. 40, Drummond Place, Edinburgh, are the reputed Superiors of the Properties above described.

The Owners of Nos. 1 to 9 inclusive have a reputed Right of Servitude over the Pleasure Ground, No. 10.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1860.

ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

***

Provisional Orders in Schedule confirmed.

I. The Provisional Orders contained in the Schedule hereunto annexed shall, from and after the passing of this Act, be absolute, and be as binding and of the like Force and Effect as if the Provisions of the same had been expressly enacted in this Act.

Act incorporated with 21 & 22 Vict. c. 98.

II. This Act shall be deemed to be incorporated with "The Local Government Act, 1858," and shall be as if this Act and the said Local Government Act were One Act.

Short Title.

III. In citing this Act in any other Act of Parliament, or in any Proceeding, Instrument, or Document whatsoever, it shall be sufficient to use the Words and Figures, "The Local Government Supplemental Act, 1860 (No. 2)."

SCHE-

SCHEDULE

OF

PROVISIONAL ORDERS referred to in the preceding Act.

1. *Nottingham.*—Putting in force the Lands Clauses Consolidation Act, 1845, for the Purchase and taking of Lands otherwise than by Agreement.

2. *Sunderland.*—Putting in force the Lands Clauses Consolidation Act, 1845, for the Purchase of Lands for Street Improvements.

3. *Hastings.*—Putting in force the Lands Clauses Consolidation Act, 1845, for the Purchase of Lands for Street Improvements and other Purposes.

4. *Reading.*—Putting in force the Lands Clauses Consolidation Act, 1845, for the Purchase of Land.

5. *Chatham.*—Repealing Local Acts in force within the District.

6. *Dartmouth.*—Repealing and altering Parts of a Local Act in force within the District.

7. *Tunbridge Wells.*—Repealing and altering Parts of a Local Act in force within the District.

8. *Sheerness.*—Altering the Boundaries of the District of Minster, as constituted for the Purposes of the Public Health Act, 1848.

9. *Sandgate.*—Extending the borrowing Powers of the Local Board of Health.

10. *Wilton.*—Extending the borrowing Powers of the Local Board of Health.

11. *Bridgnorth.*—Extending the borrowing Powers of the Local Board of Health.

12. *Dorchester.*—Extending the borrowing Powers of the Local Board of Health.

Local Government Supplemental (No. 2).

NOTTINGHAM.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, within the District of the Local Board for the Borough of Nottingham, for the Purchase and taking of Lands by the said Board, otherwise than by Agreement.

LOCAL GOVERNMENT ACT, 1858.

Whereas the Mayor, Aldermen, and Burgesses of the Borough of Nottingham, being the Local Board of Health in and for the District of the said Borough, have, in pursuance of the Provisions of the 75th Section of the Local Government Act, 1858, and after complying with the requirements of that Section by duly giving and serving all notices thereby directed, presented a Petition, under the Seal of the said Local Board, to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board to purchase certain pieces of land, buildings, and premises, for the purpose of enabling them to form, alter, and improve certain streets or roads within such Borough.

And whereas the said Petition duly set forth in the Schedule annexed thereto the several pieces of land and the several buildings and premises intended to be taken by such Board for such purpose, and the names of the owners, lessees, and occupiers of the aforesaid lands, buildings, and premises who have assented, dissented, and are neuter in respect of the taking thereof, or who have returned no answer to the notices issued by such Board; and such Petition prayed that the said Board might, with reference to such land, buildings, and premises, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid, with respect to the purchase and taking of lands otherwise than by agreement; and on the receipt of such Petition, Her Majesty's Principal Secretary of State for the Home Department directed Alfred Dickens, Esquire, the Inspector appointed for the purpose, to visit the said District, and the said Inspector has now inquired in the District aforesaid into the subject matter of such Petition, and has duly reported thereon.

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make Order and direct,

That from and after the passing of any Act of Parliament confirming this Order—

The Mayor, Aldermen, and Burgesses of the Borough of Nottingham, being the Local Board for the said Borough, shall be empowered to put in force, with reference to the lands, buildings, and premises referred to and described in the Schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of lands otherwise than by agreement.

Given under my Hand, this Twenty-second day of June 1860.

(Signed) G. C. LEWIS.

The

The SCHEDULE referred to in the foregoing Order.

THE LANDS, BUILDINGS, and PREMISES proposed to be taken for the Purposes set forth in the preceding Order, and situate in the Borough of Nottingham, are the following, the Figures in the Second Column referring to those on the Plan mentioned in the Petition of the aforesaid Local Board of Health, herein-before described.

Description of Property.	No. on the Plan.	Owners or reputed Owners.	Occupiers.
Office, Yard, and Premises in High Street Place.	1	Samuel Fox - -	The Nottingham Permanent Benefit Building Society and the Great Northern Railway Company.
House, Shop, Warehouses, Store-rooms, Stable, Yards, Cellars, Passage, and Premises in or near the Poultry and High Street.	2, 3, 4, and 5.	The same - - -	John Hutchinson and Samuel Armitage.
House, Shop, and Premises in Chandlers Lane.	7	The same - -	George Sheffield.
Warehouse and Premises in Chandlers Lane.	8	The same - -	John Hutchinson and Samuel Armitage.
Shop, Warehouse, Passage, and Premises in Chandlers Lane.	9	George Shelton the younger, Elizabeth Henshall Bretland, William Burgass, and Samuel Willmott (Owners), George Freeth (Mortgagee).	James Moore and John Moore.
Counting-house and Premises in or near Chandlers Lane.	10	The same - -	John Wilkinson Smith.
Warehouse and Premises in or near Chandlers Lane.	10	The same - - -	Charles Beecroft.
House, Shop, Yard, and Premises in or near the Poultry and High Street.	11	The same - -	The same.
House, Shop, and Premises in or near the Poultry, High Street, and Bridlesmith Gate.	13	The same - - -	James Addlesee.
House, Shop, and Premises in Chandlers Lane.	14	The same - - -	John Burton.
House, Shop, and Premises in Chandlers Lane.	15	The same - -	James Frost.
Common Yard, Passages, and Outbuildings in or near Chandlers Lane, the Poultry, and Bridlesmith Gate.	12. 15 and 16.	The same.	—

Local Government Supplemental (No. 2).

Description of Property.	No. on the Plan.	Owners or reputed Owners.	Occupiers.
Warehouse and Premises in Chandlers Lane.	6	Mary Ann Henson -	John Sellars.
Houses, Shops, Workshop, Yards, and Premises in or near Chandlers Lane and Bottle Lane.	19, 20. 22, 23 and 30.	The same - - -	Robert Eades and Henry Miller.
House, Shop, Passage, and Premises in Bottle Lane.	21	The same - -	James Bacon.
House, Shop, Pantry, and Premises in or near Chandlers Lane and Bottle Lane.	24 and 28	The same - - -	William Nuthall.
House, Shops, Pantry, and Premises in Chandlers Lane.	25, 26, and 27.	The same - - -	Sarah Dickinson and Charlotte Dickinson.
House, Shop, Cellars, and Premises in Chandlers Lane.	29	The same - - -	William Smith.
Maltrooms, Maltkiln, and Premises in or near Bottle Lane.	30 and 33	The same - - -	James Rogers.
Common Yard and Outbuildings in or near Bottle Lane.	31	The same.	—
House and Premises in Bottle Lane.	32	The same - - -	John Durrands.
Houses, Workshops, Yard, Pantry, and Premises in or near Chandlers Lane and Bottle Lane.	34, 35, 36, 37. 29.	Anthony Shepperley, Susan Shepperley, and William Thickett.	Samuel Morley, Arthur Morley, Rowland Stagg, and Adam Murray, and John Hartshorn and Joseph Bagshaw.
House, Yard, and Premises in Chandlers Lane.	40	Robert Mackley Musson -	Robert James (Occupier). George Sims (Lessee).
Workshops and Premises in Chandlers Lane.	41	The same - - -	George Sims (Lessee and Occupier).
Schoolroom Staircase, Stables, Haylofts, Yards, and Premises in Bottle Lane.	38 and 39	The same - - -	Isaac Newton and Isabella Rutland.
House, Shops, Cellar, Rooms, Passages, Staircase, and Premises in Bottle Lane.	48 and 49	The same - - -	John Bagshaw, Henry Bray, and William Thomas Hebb.
Common Passage in or near Bottle Lane.	50	The same.	—
Shops, Warehouse, and Premises in Chandlers Lane.	42	Frances Elizabeth Goodall, Charles Kayes Goodall, James Goodall, and Thomas Goodall.	George Sims, William Marriott, and John Shepherd.
Houses, Slaughterhouse, Stable, and Premises in or near Chandlers Lane.	44	The same - - -	Frederick Hucknall, John Waters, and Mary Ann Brocklesby.
Houses, Yard, Passage, Outbuildings, and Premises in or near Chandlers Lane and Bottle Lane.	45, 46, 47. 51, and 52.	The same - - -	Frederick Hucknall, Alfred Bates, and Alfred Barber.
House, Passage, and Premises in Chandlers Lane.	54	The same - - -	Henry Lawrence.

Local Government Supplemental (No. 2).

Description of Property.	No. on the Plan	Owners or reputed Owners.	Occupiers.
House, Yards, Shed, and Premises in Chandlers Lane.	55, 56, and 57.	Frances Elizabeth Goodall, Charles Kayes Goodall, James Goodall, and Thomas Goodall.	Charles Oakland and Charles Goodall.
House, Shop, Yard, Buildings, and Premises in or near Chandlers Lane.	58. 61 and 62.	The same - - -	John Lees.
House, Shop, and Premises in Chandlers Lane.	59 and 60	The same - - -	Frank Barton.
Common Privies and Ashpit in or near Chandlers Lane.	63	The same.	——
Common Yards and Premises in or near Bottle Lane.	53	The same, and Robert Mackley Musson, Charles Goodall, and George Hickling.	——
Slaughterhouse, Rooms, and Premises in or near Chandlers Lane and Bottle Lane.	64 and 65	Charles Goodall - -	Charles Goodall.
House and Premises in or near Bottle Lane.	65	George Hickling - -	Bartholomew Good.
House, Shop, Yard, and Premises in or near Bottle Lane.	66 and 67	Charles Goodall - -	Charles Goodall and William Hunt.
House, Yard, Workshops, and Premises in Bottle Lane.	68 and 69	John Frost Sutton -	George Frederick Kirk.
House, Yard, and Premises in Bottle Lane.	69	John Shore, Elizabeth Shore, and Arthur Wells.	John Swindley Wright.
House, Workshops, Yard, and Premises in or near Chandlers Lane and Bottle Lane.	70	George Lewin - -	George Lewin.
Warehouse and Premises in Chandlers Lane.	71	John Stanley - -	John Stanley.
House, Shop, Passage, and Premises in Chandlers Lane.	72	The same - -	Samuel Roe.
Common Yard, Common Passage, and Premises in or near Bottle Lane and Warser Gate.	73 and 74	The same.	——
Warehouse, Offices, and Premises in or near Bottle Lane and Warser Gate.	74	The same - -	Edwin Hartshorn, David Marks, William Brown, James Gadsby, and Francis Lees.
Warehouse, Rooms, and Premises in or near Bottle Lane and Warser Gate.	75	The same - -	William Tomlinson, David Adams, and John Beardsall.
House, Bakehouses, Yard, Passage, and Premises in or near Warser Gate and Chandlers Lane.	76 and 78	William Goodwin -	John Goodwin.
Houses, Passage, Privies, and Premises in or near Chandlers Lane.	78, 79, and 80.	The same - -	Mary Ann Margeson and William Goodwin.

Local Government Supplemental (No. 2).

Description of Property.	No. on the Plan.	Owners or reputed Owners.	Occupiers.
House and Premises in Queen Street.	87	Sarah Milnes - -	Thomas Addicott.
Houses and Premises in or near Queen Street.	82 and 88	The same - -	William Edward Hebb.
House and Premises in Queen Street.	89	The same - -	James Haslam.
House, Passage, and Premises in Queen Street.	90	The same - -	John Price.
House, Passage, and Premises in or near Queen Street and Warser Gate.	91	The same - -	John Burbage.
Common Yard and Outbuildings in or near Queen Street.	81 and 83	The same.	—
House and Premises in Queen Street and Chandlers Lane.	84	Joseph Adcock - -	Sarah Peat.
House and Premises in Queen Street.	85	The same - -	John Barks.
House and Premises in Queen Street.	86	The same - - -	Ann Hutchinson.
House, Workshops, and Premises in or near Queen Street, Chandlers Lane, and Carlton Street.	93	Elizabeth Henshall Bretland, William Burgass, and John Black.	Elizabeth Henshall Bretland.
House, Shop, and Premises in Queen Street.	94 and 95	The same - -	Elizabeth Westwick.
House, Shop, Yard, and Premises in Queen Street.	96	Alfred Westwick -	Alfred Westwick.
House, Shop, and Premises in or near Queen Street and Warser Gate.	97	Charles Wells, Eliza Wells, and Bott Parker.	Richard Cornelius Nutt.
Warehouse, Yard, and Premises in Warser Gate.	98	The same - - -	William Ruddle.
Houses, Shops, Workshops, Yard, Passage, Outbuildings, and Premises in or near Carlton Street.	100, 101, and 102.	William Flewitt - -	William Flewitt and Frederick Johnson.
House, Shop, Yard, and Premises in Carlton Street.	103	William Redfern -	John Brown (Lessee and Occupier).
House, Shop, and Premises in or near Carlton Street and Chandlers Lane.	104	George Alfred Walker -	William Taylor the younger.
House, Shop, and Premises in Carlton Street.	104*a*	The same - -	William Barnes.
Common Yard and Premises in or near Carlton Street and Chandlers Lane.	104*b*	The same.	—
Yard, Passage, and Premises in or near Pelham Street.	107	The same - -	Thomas Holmes.
Printing Office, Warehouse, and Premises in Chandlers Lane.	108	The same - -	William Williams.
House, Shop, Surgery, Stables, Coach-house, Yard, and Premises in or near Pelham Street and Chandlers Lane.	109 and 110	William Wright - -	William Wright and Thomas Harris.

Local Government Supplemental (No. 2.)

Description of Property.	No. on the Plan.	Owners or reputed Owners.	Occupiers.
Shop and Premises in Chandlers Lane.	112	The same - -	William Tombs.
Passage and Premises in Chandlers Lane.	112	The same - -	John Stanley.
Public House, Brewhouse, Stable, Coach-house, and Premises in or near Chandlers Lane and Pelham Street.	113 and 114	Elizabeth Day - -	Nathaniel Warren.
Common Passage in or near Chandlers Lane and Pelham Street.	114a	The same.	—
Printing Office and Premises in Chandlers Lane.	117	Richard William Preston	Richard William Preston.
Shop, Warehouse, Manufactory, Passage, and Premises in or near Pelham Street and Chandlers Lane.	118	Daniel Underwood and William Underwood.	Daniel Underwood.
House and Premises in or near Chandlers Lane.	119	Samuel Cropper, Hannah Cropper, and John Stanley.	Sarah Richards.
House and Premises in or near Chandlers Lane.	120	The same - -	William Bonser.
House and Premises in or near Chandlers Lane.	121	The same - - -	William Bonser and Joseph Chambers.
House and Premises in Chandlers Lane.	122	The same - -	Samuel Cropper.
Common Yard, Privies, and Passage in or near Chandlers Lane.	123. 127. 134. and 136.	The same, and Mary Simpson, John Morley, James Tomlinson, William Woollard Creeke, and John Whyatt.	—
House, Stables, and Premises in or near Chandlers Lane.	136	Mary Simpson, John Morley, and James Tomlinson.	John Morley, Charles Beecroft, and John Mason.
Public House, Passage, and Premises in Chandlers Lane.	137	The same - -	John Morley.

Local Government Supplemental (No. 2).

SUNDERLAND.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, within the District of the Local Board of Health for the Borough of Sunderland in the County of Durham, for the Purchase of Lands by the said Board for Street Improvements.

LOCAL GOVERNMENT ACT, 1858.

Whereas the Mayor, Aldermen, and Burgesses of the Borough of Sunderland, in the County of Durham, being the Local Board of Health in and for the District of the said Borough, under the Borough of Sunderland Act, 1851, have, in pursuance of the Provisions of the 75th Section of the Local Government Act, 1858, and after complying with the requirements of that Section by duly giving and serving all notices thereby directed, presented a Petition, under the Seal of the said Local Board, to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board of Health to purchase certain pieces of land and certain buildings for the purpose of enabling them to alter and improve certain streets and thoroughfares within such Borough.

And whereas the said Petition duly set forth in the Schedules annexed thereto the several pieces of land and the several buildings intended to be taken by such Board for such purposes, and the names of the owners, lessees, and occupiers of the aforesaid land and buildings who have assented, dissented, and are neuter in respect of the taking thereof, or who have returned no answer to the notice issued by such Board; and such Petition prayed that the said Board might, with reference to such land and buildings, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid, with respect to the purchase and taking of land otherwise than by agreement; and on the receipt of such Petition, Her Majesty's Principal Secretary of State for the Home Department directed Henry Austin, Esquire, the Inspector appointed for the purpose, to visit the said District, and the said Inspector has now inquired in the District aforesaid into the subject matter of such Petition, and has duly reported thereon.

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make Order and direct,—

That, from and after the passing of any Act of Parliament confirming this Order—

The Mayor, Aldermen, and Burgesses of the Borough of Sunderland, in the County of Durham, being the Local Board of Health for the said Borough, shall be empowered to put in force, with reference to the land and premises referred to and described in the Schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of land otherwise than by agreement.

Given under my Hand this Eighth day of June 1860.

(Signed) G. C. LEWIS.

SCHE-

SCHEDULE referred to in the preceding Order.

THE Pieces of Land and the Premises proposed to be taken, as described in the foregoing Order, are the following; the figures referring to the figures on the Plan mentioned in the Schedules to the Petition of the Local Board of Health herein-before mentioned:—

Lands proposed to be taken.	Number on Plan.
A piece of ground comprising 70 superficial yards, with the gate, stile, and wall thereon, situate at the east ends of Vine Place, Derwent Street and Olive Street, and between the east ends of Vine Place, Derwent Street, and Olive Street, and Building Hill Lane, adjoining the Borough Road on the North, in the township of Bishopwearmouth, in the said borough of Sunderland.	No. 1 on Plan No. 1.
A piece of ground comprising 45 superficial yards, with the walls thereon, situate between the back street east of Waterloo Place and the back street west of the south part of Fawcett Street and adjoining the cross street leading east from Waterloo Place and the cross street leading west from Fawcett Street in continuation of Athenæum Street in the said township of Bishopwearmouth, in said borough of Sunderland.	No. 1 on Plan No. 2.
A piece of ground comprising 52 superficial yards, with the walls and iron railing thereon, and adjoining the last-described piece of ground on the north, and a portion of which is part of the shrubbery on the west side of Fawcett Street and adjoining a cross street in continuation of Athenæum Street, and the other portion is ground whereon a wall is built between the said cross street leading east from Waterloo Place and the said shrubbery in the said township of Bishopwearmouth in the said borough.	Nos. 2 and 3 on Plan No. 2.
The piece of ground comprising forty-nine superficial yards and the walls and iron railing thereon, a portion of which is part of the said shrubbery, situate on the west side of Fawcett Street, and adjoining or contiguous to a cross street leading east from Union Street, and also adjoining or contiguous to a cross street, being a continuation of St. Thomas Street; and the other portion of which is ground upon which a wall or walls is built, between the cross street leading east from Union Street and the said shrubbery, and the said street a continuation of Saint Thomas Street, in the township of Bishopwearmouth in the said borough.	Nos. 4 and 5 on Plan No. 2.
The ground comprising one superficial yard, whereon certain posts are fixed between Manor Place and West Sunniside in the township of Bishopwearmouth aforesaid in the said borough, and the posts thereon.	No. 1 on Plan No. 3.
The ground comprising one superficial yard, between West Sunniside and Saint Thomas Street, whereon certain posts are fixed, in the said township of Bishopwearmouth in the said borough, and the posts thereon.	No. 2 on Plan No. 3.
And also the ground whereon certain posts are fixed, in a cross street known as Dannatt's Court, leading from Norfolk Street to the back of Nile Street, comprising one superficial foot in the said township of Bishopwearmouth in the said borough of Sunderland, and the posts thereon.	No. 4 on Plan No. 3.

Local Government Supplemental (No. 2).

HASTINGS.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, within the District of the Hastings Local Board of Health, in the County of Sussex, for the Purchase of Lands by the said Board for Street Improvements and other Purposes.

LOCAL GOVERNMENT ACT, 1858.

Whereas the Local Board of Health in and for the District of Hastings, in the Borough of Hastings, in the County of Sussex, to which the Public Health Act, 1848, was duly applied, and in pursuance of the Provisions of the 75th Section of the Local Government Act, 1858, and after complying with the requirements of that Section by duly giving and serving all notices thereby directed, presented a Petition, under the Seal of and duly signed by the said Local Board, to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board of Health to purchase, otherwise than by agreement, certain pieces of land for the purpose of widening, altering, and improving the street or roadway within the aforesaid District, opposite the Lower Lighthouse, leading from the Marine Parade to the Fish Market, and to dedicate the same partly as a highway and partly for other purposes in such Petition described.

And whereas the said Petition, and the Schedule thereto annexed, duly set forth and described the pieces of land intended to be taken by such Board for such purposes, and the names of the owners, lessees, and occupiers of the aforesaid pieces of land who have assented, dissented, and are neuter in respect of the taking such pieces of land, or who have returned no answer to the notice issued by such Board; and such Petition prayed that the said Board might, with reference to such land, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid, with respect to the purchase and taking of land otherwise than by agreement; and on the receipt of such Petition, Her Majesty's Principal Secretary of State for the Home Department directed William Ranger, Esq., the Inspector appointed for the purpose, to visit the said District, and the said Inspector has now inquired in the District aforesaid into the subject matter of such Petition, and has duly reported thereon.

Now, therefore, I, as Her Majesty's Principal Secretary of State for the Home Department, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make Order and direct,—

That, from and after the passing of any Act of Parliament confirming this Order—

1.—The Local Board of Health for the District of Hastings, in the Borough of Hastings, in the County of Sussex, shall be empowered to put in force, with reference to the land referred to and described in the Schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of land otherwise than by agreement.

Given under my Hand this Fifteenth day of June 1860.

(Signed) G. C. LEWIS.

SCHE-

SCHEDULE referred to in the preceding Order.

THE Pieces of Land proposed to be taken, as described in the foregoing Order, are the following; the figures referring to the figures on the Plan mentioned in the Schedule to the Petition of the Local Board of Health herein-before mentioned :—

No. on Plan.	Land proposed to be taken.	Owner, Lessee, and Occupier.
2.	All that piece or parcel of land or ground, containing by admeasurement 8 feet in width and 12 feet in depth, together with the small wooden erection or shop now standing thereon, situate opposite the lower lighthouse, and used for the sale of fish.	Richard Moore and Sarah Moore, his wife (Owners). Joseph White, (Lessee and Occupier).
3.	All that piece or parcel of land or ground, containing by admeasurement 10 feet in width and 18 feet in depth, together with the small wooden erection or shop now standing thereon, situate opposite the lower lighthouse, and used for the sale of fish.	Joseph White (Owner and Occupier).

READING.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, within the District of the Reading Local Board of Health, for the Purchase of Land by the said Board.

LOCAL GOVERNMENT ACT, 1858.

Whereas the Local Board of Health for the District of the Borough of Reading, in the County of Berks, to which the Public Health Act, 1848, was duly applied by a Provisional Order of the General Board of Health, bearing date the 2d day of August 1850, confirmed by the Public Health Supplemental Act, 1850, (No. 3,) have, in pursuance of the Provisions of the 75th Section of the Local Government Act, 1858, and after complying with the requirements of that Section by duly publishing the advertisements and serving all notices thereby directed, presented a Petition, under the seal of the said Local Board, to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the said Local Board to purchase certain pieces of land, messuages, buildings, and premises, for Street Improvements, within the aforesaid District.

And whereas the said Petition duly set forth and described the land and property intended to be taken by such Local Board, and the purposes for which the same were required, and the names of the owners, lessees, and occupiers of the aforesaid pieces of land and property who have assented, dissented, or are neuter in respect of the taking thereof, or who have returned no answer to the notice issued by such Board; and such Petition prayed that the said Board might, with reference to such land and property, be allowed

to put in force the powers of the Lands Clauses Consolidation Act aforesaid, with respect to the purchase and taking of lands otherwise than by agreement; and on the receipt of such Petition, Her Majesty's Principal Secretary of State for the Home Department directed William Ranger, Esq., the Inspector appointed for the purpose, to visit the said Borough, and the said Inspector has now inquired into the subject matter of such Petition, and has duly reported thereon.

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State as aforesaid, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make Order and direct—

That, from and after the passing of any Act of Parliament, confirming this Order, the Local Board of Health for the Borough of Reading shall be empowered to put in force, with reference to the land and property referred to and described in the Schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of lands otherwise than by agreement.

Given under my Hand, this Twenty-third day of June 1860.

(Signed) G. C. LEWIS.

SCHEDULE referred to in the preceding Order.

THE land, messuages, buildings, and premises proposed to be taken, as described in the foregoing Order, by the Local Board of Health named therein, together with the names of the owners, lessees, and occupiers of the said premises, are as follow:—

Description of Lands, Messuages, Buildings, and Premises.	Owner or reputed Owner.	Lessee or reputed Lessee.	Occupier.
House and Shop, commonly known as Number 1, Middle Row, Reading.	William Deacon, Baughurst, Hants, and Mark Taylor, Goring, Oxon.	William Hedgecock Wellsteed, 10, Coley Hill, Reading.	William Hedgecock Wellsteed.
Dwelling House and Shop, commonly known as Number 5, Middle Row, Reading.	Reading Local Board of Health.	William Church, Prospect Hill, Reading, and George Church, Middle Row, Reading; Thomas Elliott, 1, Greenland Villa, Hydraulic Road, Tunbridge Wells, Kent, and John Randall Whittingham, Middle Row, Reading.	John Randall Whittingham.
Dwelling House and Shop, commonly known as Number 32, Middle Row, Reading.	William Church, Prospect Hill, Reading, and George Church, Middle Row, Reading.	Thomas Elliott, 1, Greenland Villa, Hydraulic Road, Tunbridge Wells, Kent, and John Randall Whittingham, Middle Row, Reading.	John Randall Whittingham.
Dwelling House commonly known as Number 6, Middle Row, Reading.	Reading Local Board of Health.	The Representatives of the late John Glanville Lamb, High Street, Reading.	James Banister, and James Banister the younger.

Local Government Supplemental (No. 2).

Description of Lands, Messuages, Buildings, and Premises.	Owner or reputed Owner.	Lessee or reputed Lessee.	Occupier.
Dwelling House and Shop, commonly known as Number 31, Middle Row, Reading.	The Representatives of the late John Glanville Lamb, High Street, Reading.	- - - -	James Banister, and James Banister the younger.
Dwelling House and Shop, commonly known as Number 7, Middle Row, Reading.	John Blagrave, Esquire, Calcot Lodge, Tilehurst, Berks, and Cecil Monro, Esquire, Hadley, Middlesex.	George Shackel, Earley near Reading, and Maria Jane Shackel, Clarence Place, Reading.	Christopher Saunders.
Dwelling House, commonly known as Number 8, Middle Row, Reading.	Frederick Turton, Middle Row, Reading.	- - - -	William Hemus.
Dwelling House, commonly known as Number 9, Middle Row, Reading.	Frederick Turton, Middle Row, Reading.	- - - -	Frederick Turton.
Dwelling House and Shop, commonly known as Number 10, Middle Row, Reading.	Reading Local Board of Health.	Thomas Hedges, Spring Gardens, Reading, and John Hedges, South Bruton Mews, Berkeley Square, London.	Joseph Yates.
Dwelling House and Shop, commonly known as Number 30, Middle Row, Reading.	George Bailey, The Thistle, Glassford Street, Glasgow.	- - - -	Unoccupied.
Dwelling House, commonly known as No. 100, London Street, Reading, with the Yard, Shed, Brewhouse, Land, Buildings, and Appurtenances belonging thereto.	John Blagrave, Esquire, Calcot Lodge, Tilehurst, Berks; and Cecil Monro, Esquire, Hadley, Middlesex.	- - - -	Thomas Justins.
Land and Stable belonging to and in the Rear of the Premises commonly known as No. 103, London Street, Reading.	Henry Clark, Kendrick Road, Reading.	Henry Hutt, 103, London Street, Reading.	Henry Hutt.
Stable belonging to and in the Rear of the Premises commonly known as Nos. 104 and 105, London Street, Reading.	The Mayor, Aldermen, and Burgesses of the Borough of Reading.	George Meloy, 104 and 105, London Street, Reading.	George Meloy.
Dwelling House, Garden, and Buildings known as Number 1, Talfourd Place, East Street, Reading.	Henry Clark, Kendrick Road, Reading.	- - - -	Harriett Willard.

Local Government Supplemental (No. 2).

CHATHAM.

Provisional Order repealing Local Acts in force within the District of the Chatham Local Board of Health.

LOCAL GOVERNMENT ACT, 1858, Sec. 77.

Whereas the Local Board of Health in and for the District of Chatham Extra, in the County of Kent, to which District the Public Health Act, 1848, was duly applied by a Provisional Order of the General Board of Health, bearing date the 19th day of July 1849, confirmed by "The Public Health Supplemental Act, 1849," have, under the powers and in pursuance of the 77th Section of the Local Government Act, 1858, presented a Petition to the Right Honorable Sir George Cornewall Lewis, Bart., M.P., as one of Her Majesty's Principal Secretaries of State, praying for the repeal (so far as the Local Acts herein-after mentioned relate to or concern the District of that Local Board of Health, to wit, the District of Chatham Extra,) of certain Local Acts of Parliament now partially in force within the District, having relation to the purposes of the Local Government Act, 1858, and not conferring powers or privileges upon any corporation, company, undertakers, or individuals for their own pecuniary benefit; that is to say,

An Act passed in the Twelfth year of the reign of His late Majesty King George the Third, intituled "An Act for the better paving, cleansing, "lighting, and watching the streets and lanes in the Town and Parish of "Chatham, in the County of Kent, and for removing and preventing "nuisances and annoyances therein:" and also—

An Act passed in the Sixteenth year of the reign of His said Majesty King George the Third, intituled "An Act to explain and amend an Act made "in the Twelfth year of His present Majesty, 'for paving, cleansing, "'lighting, and watching the streets and lanes in the Town and Parish of "'Chatham, in the County of Kent, and for removing and preventing "'nuisances and annoyances therein,' and to extend the provisions of the "said Act to such parts of the High Street in Chatham as are situate "in the Parishes of Saint Margaret and Gillingham, and to other places "adjoining or contiguous to the said Town:"

And whereas in pursuance of the Local Government Act, 1858, inquiry has been directed in the District in respect of the several matters mentioned in the Petition:

And whereas it appears expedient to issue a Provisional Order in relation to those matters, but no such Order can be valid without confirmation by Parliament:

Now, therefore, in pursuance of the powers vested in me by the Local Government Act, 1858, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order, under my hand, direct that from and after the passing of any Act of Parliament confirming this Order—

The several parts of the herein-before recited Acts of 12 George 3. and 16 George 3., in force within the District of Chatham, shall, except only so far as is herein-after otherwise provided, be repealed, so far as those parts of the Acts relate to or concern the District of the

Local

Local Board of Health, to wit, the District of Chatham Extra: Provided always, that the repeal of those Acts shall not prejudice any rate heretofore made under the authority of those Acts or either of them, and not yet fully paid: Provided also, that the several powers and provisions of those Acts respectively with respect to the collecting, recovering, receiving, and applying of so much of any or every rate heretofore made under the authority of those Acts, or either of them, as is not yet fully paid shall remain in force, so long, but so long only, as is requisite for the collecting, recovering, receiving, and applying of the same: Provided also, that the repeal of those Acts shall not prejudice any contract heretofore entered into by the Local Board under the authority of Section 13 of the recited Act of 12 George 3. and now in force, or any right or remedy under or with respect to any such contract, and shall not prejudice any of the powers and provisions of Sections 15, 16, 17, and 18 of the recited Act of 12 George 3. with respect to the assessing, collecting, recovering, receiving, and applying of any monies now or hereafter paid or due and payable by the Local Board under or by virtue of any such contract: Provided also, that the several powers and provisions of the recited Acts of 12 George 3. and 16 George 3. respectively, with respect to the fulfilment of every such contract, and the assessing, collecting, recovering, receiving, and applying of all such monies, shall remain in force so long, but so long only, as is requisite for those purposes respectively.

Given under my Hand this Twenty-second day of June 1860.

(Signed) G. C. LEWIS.

DARTMOUTH.

Provisional Order repealing and altering Parts of a Local Act in force within the District of the Dartmouth Local Board.

LOCAL GOVERNMENT ACT, 1856, Sec. 77.

Whereas the Mayor, Bailiffs, and Burgesses of the Borough of Clifton Dartmouth Hardness, in the County of Devon, acting as the Local Board in and for the District of the Borough aforesaid, in which the Local Government Act, 1858, has been duly adopted, have, in pursuance of the said Act, presented a Petition to one of Her Majesty's Principal Secretaries of State, praying for the alteration and partial repeal of a certain Local Act of Parliament in force within the said district, having relation to the purposes of the said Local Government Act, and not conferring powers or privileges upon any corporation, company, undertakers, or individuals for their own pecuniary benefit; that is to say,

An Act passed in the Fifty-fifth year of the reign of His late Majesty King George the Third, Chapter twenty-eight, intituled "An Act for building "a Market House in the Borough of Clifton Dartmouth Hardness, in the "County of Devon, and for better paving, lighting, widening, and "improving the streets and other public places within the said "Borough."

Local Government Supplemental (No. 2).

And whereas, in pursuance of the said Local Government Act, inquiry has been directed in the said District in respect of the several matters mentioned in the said Petition.

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such Order can be valid without confirmation by Parliament.

Now therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order, under my hand, direct that from and after the passing of any Act of Parliament confirming this Order—

1.—The parts of the said Local Act of 55 Geo. 3. Cap. 28. specified in the Schedule hereunto annexed shall be repealed.

2.—The powers, authorities, and duties of the Commissioners for the time being, acting heretofore in execution of all or any of the said parts of the said Local Act, shall cease.

3.—All property and estate of the Commissioners acting in the execution of the said portions of the said Local Act shall be transferred to the said Local Board, and shall, as near as circumstances will permit, be held by the said Local Board upon the same trusts, and for the same purposes, as by such Commissioners.

4.—All debts, monies, and securities for money contracted or payable by such Commissioners shall be satisfied by the said Local Board out of such parts of the said transferred property and estate as would have been chargeable therewith if this Order had not been made, and shall be paid and satisfied by the said Local Board as by such Commissioners.

5.—Provided always, that if such property and estate be insufficient for that purpose, the deficiency shall be charged upon the rates leviable under the said Local Government Act, 1858, in the parts only which would have been chargeable with such deficiency if this Order had not been made.

Given under my Hand this Twenty-seventh day of June 1860.

(Signed) G. C. Lewis.

SCHEDULE to which this Order refers.

The parts of the Local Act [55 Geo. 3. Cap. 28.] herein-before referred to in this Order to be repealed are as follows; that is to say,

All the sections of the said Local Act 55 Geo. 3. Cap. 28., from section 15. to section 82., both inclusive.

TUNBRIDGE WELLS.

Provisional Order repealing and altering Parts of a Local Act in force within the District of Tunbridge Wells.

Local Government Act, 1858, Sec. 77.

Whereas the execution of the Tunbridge Wells Improvement Act, 1846, is vested in a body of Commissioners consisting of all persons owning or occupying property within the Town of Tunbridge Wells of the clear value of

of 50*l.* per annum, who have made and subscribed a certain Declaration in the said Act prescribed, whilst all other persons owning or occupying property of less value than 50*l.* per annum are excluded.

And whereas the Ratepayers of the said Town of Tunbridge Wells at two General Meetings convened for the purpose of considering the subject resolved, That it is expedient to modify the said Tunbridge Wells Improvement Act, 1846, so far as to secure to the Town the advantages of a representative local authority and a recognized head of the same.

And whereas the Board of Tunbridge Wells Improvement Commissioners, having taken into consideration the wishes of the general body of Ratepayers as expressed at such meetings, and also the altered condition of the Town since the passing of the Tunbridge Wells Improvement Act, 1846, are likewise of opinion that a change is become necessary, and that it is further desirable to reduce the number of Commissioners to twenty-four, the same to be elected by the Ratepayers.

And whereas, with a view to facilitate this change, the said Commissioners have adopted the seventy-seventh section of the Local Government Act, 1858, and have under the powers of the said Section petitioned me, as one of Her Majesty's Principal Secretaries of State, to make a Provisional Order partially to repeal or alter, and provide for the future execution of the said Tunbridge Wells Improvement Act, 1846.

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State as aforesaid, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make Order and direct that from and after the passing of any Act of Parliament confirming this Order—

1.—So much of the Ninth Section of the said Tunbridge Wells Improvement Act, 1846, as prescribes who shall be Commissioners for carrying the said Act into execution, and fixes the qualification of the said Commissioners; and so much of the Seventeenth Section of the said Tunbridge Wells Improvement Act, 1846, as prescribes the Statement of Qualification to be made in the Declaration taken by the said Commissioners; and so much of the Twenty-first Section of the said Tunbridge Wells Improvement Act, 1846, as fixes the day and hour of the monthly meetings of the said Commissioners; and so much of the Twenty-eighth Section of the said Tunbridge Wells Improvement Act, 1846, as relates to the appointment of Chairman at meetings of the said Commissioners, shall be repealed.

And in lieu thereof,—

2.—The Commissioners for execution of the said Tunbridge Wells Improvement Act, 1846, shall be 24 in number, to be elected within one month after the passing of the Act of Parliament confirming this Order by the owners of property and the payers of rates under the said Tunbridge Wells Improvement Act, 1846, in respect of property within the limits of the said Act, according to the scale of voting and the regulations in respect of the election of Local Boards, as provided by the Public Health Act, 1848, and the Local Government Act, 1858.

3.—The qualification of the said Commissioners shall be the ownership or occupancy of property actually rated to the rates under the said Tunbridge

Tunbridge Wells Improvement Act, 1846, at an annual value of 30*l.*, and a statement of such qualification shall be substituted in the declaration to be made by such Commissioners before acting, in lieu of the statement of qualification prescribed in the 17th section of the said Tunbridge Wells Improvement Act, 1846.

4.—The said Commissioners shall at their first meeting after the passing of any Act of Parliament confirming this Order, and afterwards from time to time at their annual meetings, appoint one of their members to be Chairman for one year at all meetings at which he is present, and in case the chairman so appointed be absent from any meeting at the time appointed for holding the same, the Commissioners present shall appoint one of their number to act as chairman thereat. And in case the chairman appointed as first aforesaid die, resign, or become incapable of acting, another Commissioner shall be appointed as chairman for the period during which the person so dying, resigning, or becoming incapable of acting would have been entitled to continue in office and no longer.

5.—Eight of the Commissioners so elected as aforesaid shall go out of office on the day of the second election of Commissioners under this Order, and so on annually, and the order in which the Commissioners first elected shall go out of office shall be fixed by the said Commissioners, and no such Commissioner shall in any case continuously remain in office for more than three years, and on the days appointed for going out of office a number of persons shall be elected as Commissioners equal to the number going out of office, and as many others as may be necessary to complete the full number of the said Commissioners.

6.—Any of the said Commissioners after going out of office, resigning, or otherwise ceasing to be a Commissioner may, if otherwise qualified, be again elected a Commissioner; and if at any time the said Commissioners shall be fewer in number than 24, the remaining Commissioners may continue, and be as competent to act till such number is completed by election, as if no vacancy had occurred.

7.—The Clerk of the present Commissioners for execution of the said Tunbridge Wells Improvement Act, 1846, shall be the person to conduct the first election under this Order, and shall fix the day for such first election within one month of the passing of the Act confirming this Order.

Given under my Hand, this Seventh day of July 1860.

(Signed) G. C. LEWIS.

Local Government Supplemental (No. 2).

SHEERNESS.

Provisional Order for altering the Boundaries of the District of Minster in the County of Kent, as constituted for the Purposes of the Public Health Act, 1848.

LOCAL GOVERNMENT ACT, 1858.

Whereas by a Provisional Order of the General Board of Health, bearing date the Sixteenth day of July 1849, confirmed by the Public Health Supplemental Act, 1849, the Public Health Act, 1848, was duly applied to the Parish of Minster in the County of Kent.

And whereas a Petition has been duly presented to me, as one of Her Majesty's Principal Secretaries of State, under the Provisions of the 77th Section of the Local Government Act, 1858, praying for an alteration of the boundaries of the said District of Minster, by the separation of the Village and part of the upper District of Minster aforesaid from the District constituted under the herein-before recited Provisional Order, and the Act confirming the same.

And whereas, in pursuance of the said Local Government Act, inquiry has been directed in the said District in respect of the several matters mentioned in the said Petition, and report has been made to me thereon by Alfred Dickens, Esquire, the Inspector appointed for the purpose.

And whereas it appears expedient to issue a Provisional Order in relation to the said matters, but no such Order can be valid without confirmation by Parliament.

Now, therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State, do, by this Provisional Order, under my hand, direct,—

That, from and after the passing of any Act of Parliament confirming this Order—

1.—The District of the aforesaid Local Board of Health for Minster, in the County of Kent, be altered by so much of the Upper Division of Minster aforesaid as is situate on the east side of the Boundary of the Ecclesiastical District of Sheerness being excluded from the District of the aforesaid Local Board of Health.

2.—The District altered as aforesaid be styled the District of Sheerness, instead of being, as heretofore, styled the District of the Parish of Minster.

3.—At every election of members of the Local Board of Health aforesaid which shall take place after the passing of the Act of Parliament confirming this Order, the members to be elected shall be elected for the whole of the District as altered by this Order, and by the votes of owners of, and ratepayers in respect of, property situate within the district so constituted.

Given under my Hand this Twenty-fifth day of June 1860.

(Signed) G. C. LEWIS.

SANDGATE.

Provisional Order for extending the Borrowing Powers of the Sandgate Local Board of Health.

LOCAL GOVERNMENT ACT, 1858.

Whereas, by a Provisional Order of the General Board of Health, bearing date the Twelfth day of June 1850, confirmed by the Public Health Supplemental Act, 1850 (No. 2.), the Public Health Act, 1848, was duly applied to the District of Sandgate in the County of Kent, as described in the above-mentioned Provisional Order.

And whereas the Local Board of Health for the said District have borrowed under that Act, and with the authority of the General Board of Health, sums, amounting in the whole to Four thousand Pounds, to defray the expense of works for supplying water to the said District, and for other works of a permanent nature under the aforesaid Act, a portion of which said sums now remains due and owing from such Local Board; and whereas a further sum will be required to carry out and complete works of a permanent nature, for improving and extending the supply of water to the said District, but such further sum, together with the debt now charged upon such District in respect of the unpaid portion of the herein-before mentioned 4,000*l.*, will exceed the assessable value for one year of the premises assessable under the said Act within such District.

And whereas the said Board have now, under the authority of the 78th Section of the Local Government Act, 1858, petitioned me, as one of Her Majesty's Principal Secretaries of State, for powers to borrow or re-borrow for such works, on mortgage of the rates leviable by the aforesaid Local Board of Health under the powers of the Public Health Act, 1848, and the Local Government Act, 1858, a sum or sums which shall not exceed in the whole two years assessable value of the premises assessable within the District in respect of which such sum or sums may be borrowed or re-borrowed.

And whereas after due inquiry and report by Alfred Dickens, Esquire, the Inspector appointed by me for the purpose, I am of opinion that the prayer of such Petition should be granted; but the same cannot be done without the consent of Parliament.

Now, therefore, in pursuance of the power now vested in me as one of Her Majesty's Principal Secretaries of State as aforesaid, I do hereby, by this Provisional Order under my Hand, direct as follows:—

That, from and after the passing of any Act of Parliament confirming this present Order—

1.—The Local Board of Health for the District of Sandgate in the County of Kent shall have power and authority to borrow or to re-borrow, for the execution and completion of the aforesaid works within such District, and on mortgage of the rates leviable by them under the aforesaid Acts, an amount not exceeding in the whole Five thousand nine hundred Pounds, including therein the existing debt of the said Board in respect of such works, and the sum now estimated

estimated to be required for the completion of the works as herein-before described, such amount of Five thousand nine hundred Pounds, not exceeding in the whole two years assessable value of the premises assessable under such Acts within the aforesaid District, to be repaid, with interest thereon, within a period of fifty years from the date of the borrowing thereof.

Given under my Hand this Twenty-eighth day of June 1860.

(Signed) G. C. LEWIS.

WILTON.

Provisional Order for extending the Borrowing Powers of the Wilton Local Board of Health.

LOCAL GOVERNMENT ACT, 1858.

Whereas the Public Health Act, 1848, has been duly applied to the Parish of Wilton, in the County of Wilts.

And whereas the Local Board of Health for the said District of Wilton have borrowed under that Act, and with the authority of the General Board of Health, sums, amounting in the whole to Two thousand nine hundred and sixty Pounds, to defray the expense of works for the Drainage of and Supply of Water to the said District, being works of a permanent nature under the aforesaid Act; and whereas a further sum will be required to carry out and complete the said works, but such further sum, with the herein-before mentioned 2,960*l.*, will exceed the assessable value for one year of the premises assessable under the said Act within such District.

And whereas the said Board have now, under the authority of the 78th Section of the Local Government Act, 1858, petitioned me, as one of Her Majesty's Principal Secretaries of State, for powers to borrow for such works, on mortgage of the rates leviable by the aforesaid Local Board of Health under the powers of the Public Health Act, 1848, and the Local Government Act, 1858, a sum or sums which, with the amount already borrowed, shall not exceed in the whole two years assessable value of the premises assessable within the District in respect of which such sum or sums may be borrowed.

And whereas after due inquiry and report by Alfred Dickens, Esquire, the Inspector appointed by me for the purpose, I am of opinion that the prayer of such Petition should be granted; but the same cannot be done without the consent of Parliament.

Now, therefore, in pursuance of the power now vested in me as one of Her Majesty's Principal Secretaries of State as aforesaid, I do hereby, by this Provisional Order under my Hand, direct as follows:—

That, from and after the passing of any Act of Parliament confirming this present Order,—

1.—The Local Board of Health for the District of Wilton, in the County of Wilts, shall have power and authority to borrow, for the completion of the aforesaid works within such District, and on mortgage of the rates leviable by them under the aforesaid Acts, an amount not

not exceeding in the whole Two thousand nine hundred and sixty Pounds over and above the amount of 2,960*l.* already borrowed by the said Local Board of Health, such additional sum of 2,960*l.* making, with the amount already borrowed, 5,920*l.*, which exceeds by 2,467*l.* the one year's assessable value, but does not exceed in the whole two years assessable value of the premises assessable under such Acts within the aforesaid District, the aforesaid additional sum of 2,960*l.* to be repaid, with interest thereon, within a period of fifty years from the date of the borrowing thereof.

Given under my Hand this Twenty-seventh day of June 1860.

(Signed) G. C. LEWIS.

BRIDGNORTH.

Provisional Order for extending the Borrowing Powers of the Bridgnorth Local Board of Health.

LOCAL GOVERNMENT ACT, 1858.

Whereas, by an Order of Her most Gracious Majesty in Council, bearing date the Twenty-ninth day of December 1853, the Public Health Act, 1848, was duly applied to the Borough of Bridgnorth, in the County of Salop, and the said Borough was thereby constituted a District under that Act.

And whereas the Local Board of Health of the said District have borrowed under that Act sums amounting in the whole to Eleven thousand one hundred and ninety-four Pounds, to defray the expense of works for sewering and supplying water to the said District, but such sums were not sufficient to defray the cost of completing the works for the purposes aforesaid.

And whereas the said Local Board have, under the authority of the 78th Section of the Local Government Act, 1858, petitioned me, as one of Her Majesty's Principal Secretaries of State, for power to reborrow, on account of such works, a sum sufficient to pay off the sums borrowed and still remaining due and owing by them,—viz., an amount of Nine thousand eight hundred and sixty-three Pounds; and to borrow a further sum of Five thousand Pounds for extending the works for supplying water to the said District; the said sums of Nine thousand eight hundred and sixty-three Pounds and Five thousand Pounds, making in the whole Fourteen thousand eight hundred and sixty-three Pounds, not exceeding two years assessable value of the premises assessable within such District; and whereas the said sum of Fourteen thousand eight hundred and sixty-three Pounds is proposed to be repaid within a period of fifty years from the date of the borrowing thereof.

And whereas, after due inquiry and report by Alfred Dickens, Esquire, the Inspector appointed for the Purpose, it appears expedient that the prayer of such Petition should be granted; but the same cannot be done without the consent of Parliament.

Now,

Now, therefore, in pursuance of the power now vested in me, as one of Her Majesty's Principal Secretaries of State, I do hereby, by this Provisional Order under my Hand, direct as follows:—

That from and after the passing of any Act of Parliament confirming this present Order—

The Local Board of Health for the District of Bridgnorth, in the County of Salop, shall have power and authority to borrow or reborrow, for the purposes aforesaid, on mortgage of the rates leviable by them under the Local Government Act, 1858, an amount not exceeding in the whole a sum of Fourteen thousand eight hundred and sixty-three Pounds, the said amount to be repaid, with interest thereon, within a period of fifty years from the date of the borrowing thereof.

Given under my Hand this Twenty-second day of June 1860.

(Signed) G. C. Lewis.

DORCHESTER.

Provisional Order for extending the Borrowing Powers of the Dorchester Local Board of Health.

Local Government Act, 1858.

Whereas, by a Provisional Order of the General Board of Health, bearing date the Ninth day of November 1852, confirmed by the Public Health Supplemental Act, 1853 (No. 1), the Public Health Act, 1848, was duly applied to the Borough of Dorchester, in the County of Dorset, and the said Borough was thereby constituted a District under that Act.

And whereas the said Local Board have borrowed under that Act, and with the authority of the General Board of Health, sums to defray the expense of works for the drainage of and supplying water to the said District, but which sums are not sufficient to defray the remainder of the cost of the works of water supply, and of works for the sewerage of such District.

And whereas the said Board have now, under the authority of the 78th Section of the Local Government Act, 1858, petitioned me, as one of Her Majesty's Principal Secretaries of State, for powers to borrow for such works, on mortgage of the rates leviable by the aforesaid Local Board of Health under the powers of the Public Health Act, 1848, and the Local Government Act, 1858, a sum or sums not exceeding in the whole an amount of two thousand five hundred pounds, beyond one year's assessable value of the premises assessable within the District in respect of which such sum or sums may be borrowed, such sum or sums to be repaid within a period of fifty years from the date of the borrowing thereof

And whereas after due inquiry and report by Alfred Dickens, Esquire, the Inspector appointed by me for the purpose, I am of opinion that the prayer of such Petition should be granted; but the same cannot be done without the consent of Parliament.

Now, therefore, in pursuance of the power now vested in me as one of Her Majesty's Principal Secretaries of State as aforesaid, I do hereby, by this Provisional Order under my hand, direct as follows:—

That,

Local Government Supplemental (No. 2).

That, from and after the passing of any Act of Parliament confirming this present Order—

1.—The Local Board of Health for the Borough of Dorchester, in the County of Dorset, shall have power and authority to borrow or to re-borrow, for the execution and completion of the aforesaid works within such District, and on mortgage of the rates leviable by them under the Public Health Act, 1848, and Local Government Act, 1858, a sum or sums not exceeding in the whole an amount of two thousand five hundred pounds beyond one year's assessable value of the premises assessable under such Acts within the aforesaid District, to be repaid, with interest thereon, within a period of fifty years from the date of the borrowing thereof.

Given under my Hand this Fifteenth day of June 1860.

(Signed) G. C. Lewis.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1860.

ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

***

"Treasurer" shall include the Finance Committee and the Secretary of the Grand Jury for the County of *Dublin*.

So much of Sect 9 of 5 & 6 W.4. c. 63. as requires Grand Juries to appoint Inspectors of Weights and Measures repealed.

III. So much of Section Nineteen of the Act of the Fifth and Sixth Years of King *William* the Fourth, Chapter Sixty-three, as requires Grand Juries in *Ireland* to appoint Inspectors of Weights and Measures, shall be and the same is hereby repealed; and from and after the passing of this Act no such Inspectors heretofore appointed by Grand Juries under the Provisions of the said Act shall exercise any of the Duties imposed on them as Inspectors of Weights and Measures.

Sect. 18. of 14 & 15 Vict. c. 92. repealed.

IV. The Eighteenth Section of "The Summary Jurisdiction (*Ireland*) Act, 1851," shall be and the same is hereby repealed: Provided always, that nothing herein contained shall extend to alter or affect in any Manner the Appointment of any Head or other Constable in any Petty Sessions District in *Ireland* who shall have been selected, under the Provisions of the said Act, by the County Inspector of Constabulary, with the Approval of the Justices for that Purpose, an *ex officio* Inspector of Weights and Measures within such District.

Certain Head and other Constables to be ex officio Inspectors of Weights and Measures.

V. Such Head or other Constables in each Petty Sessions District in *Ireland* as shall have been selected under the Provisions of the said last-mentioned Act, or shall be selected under this Act, by the County Inspector of Constabulary, with the Approval of the Justices for that Purpose, shall be *ex officio* Inspectors of Weights and Measures within such District, and shall possess and exercise all the Powers and Authorities, and be subject to the like Penalties for any Neglect or Offence in the Discharge of such Duties, which any Inspector of Weights and Measures heretofore possessed or exercised or had been liable to under and by virtue of the said Act of the Fifth and Sixth Years of King *William* the Fourth, Chapter Sixty-three, and shall perform such Duties, under the Direction of the Justices at Petty Sessions, without Fee or Reward, and notwithstanding any Manorial Jurisdiction or Claim of Jurisdiction within such District.

As to Custody of Copies of Imperial Standard Weights and Measures.

VI. The Grand Jury of any County in *Ireland* may order and direct any Inspector of Weights and Measures heretofore appointed in such County, under the Provisions of the said last-mentioned Act, in whose Custody any Copy or Copies of the Imperial Standard Weights and Measures shall have been deposited, as therein provided, to transmit the same to such *ex-officio* Inspector of Weights and Measures or Person in such County as shall be appointed by the Inspector General of Constabulary, with the Consent and

and Approval of the Lord Lieutenant, to have the Custody of the same; and any such Inspector neglecting or refusing to obey such Order shall be liable to a Penalty not exceeding Ten Pounds; and in all Counties of Cities and Boroughs where no Rate is levied, and which Counties of Cities and Boroughs are liable to County Cess, the Expense incurred under this Act shall be defrayed by the respective Counties.

Grand Juries in Counties and Town Councils in Boroughs to provide Sub-Standard Weights and Measures.

VII. It shall be lawful for the Grand Jury of each County and the Town Council of each Borough in *Ireland*, and they are respectively hereby required, from Time to Time, to provide for such County and Borough respectively as many Copies in Iron or other sufficient Material of the County Copies of the Imperial Weights and Measures, and such accurate Beams and Scales, as they shall see fit, and to direct that such Copies shall be duly stamped by such Sub-Inspector of Constabulary as such Grand Jury or Town Council respectively shall appoint for that Purpose, with the Approval of the Inspector General; and the said Copies shall be called the Sub-Standard Weights and Measures; and such Grand Jury and Town Council respectively shall also provide such good and sufficient Stamps for stamping or sealing Weights and Measures used or to be used in such County or Borough respectively as they shall see fit.

Sub-Standard Weights and Measures to be deposited with Head or other Constables.

VIII. Such Sub-Standard Weights and Measures shall be deposited in the Custody of the said Head or other Constables, and shall at least once in every Year, and also at all other Times when required by the County Inspector of Constabulary of the County, or by the Justices at Petty Sessions, be compared with and corrected by the said County Copies of the Imperial Weights and Measures by the said Sub-Inspector of Constabulary so appointed as aforesaid, (subject to such Regulations as the Inspector General of Constabulary shall, with the Consent and Approval of the Lord Lieutenant, frame from Time to Time for such Purpose) and such Sub-Inspector shall adjust the same, and also affix the County or Borough Stamp thereto, and such Sub-Standard Weights and Measures so adjusted and stamped shall, until the next Comparison of the same, to be made in manner aforesaid, be considered to all Intents the same as the said County Copies of the Imperial Weights and Measures, and for all Purposes of Comparison and Verification, and for all other Purposes for which such County Copies of the Imperial Weights and Measures are required, under the Provisions of the said Act of the Fifth and Sixth Years of King *William* the Fourth, or this Act, by any Inspector of Weights and Measures.

IX. It

As to Supply of Sub-Standard Weights and Measures to Sub-Inspectors.

IX. The Grand Jury in each such County and the Town Council in each such Borough shall and they are hereby required to supply such Sub-Inspector with such Copies of the Imperial Standard Weights and Measures, and such County or Borough Stamps, as the Case may be, as may be necessary for such Comparison, Correction, and Stamping, as herein-before mentioned.

As to Weights to be used until Imperial Weights &c. shall be supplied.

X. Provided always, That until such Copies of the County Copies of the Imperial Weights and Measures, and such County or Borough Stamps, shall have been supplied by such Grand Jury or Town Council respectively, it shall be lawful for any *ex-officio* Inspector of Weights and Measures to use, for the Purposes of this Act, any Copies of the County Copies of the Imperial Weights and Measures which shall have been provided for the Use of *ex-officio* Inspectors of Weights and Measures, and shall have been duly stamped by any Sub-Inspector, under the Provisions of "The Summary Jurisdiction (*Ireland*) Act, 1851."

Grand Jury may present for Expenses on County.

XI. It shall be lawful for the Grand Jury of any such County to present the Amount of such Expenses as shall be incurred either in procuring or transmitting such Sub-Standard Weights and Measures, or otherwise, in carrying the Provisions of the said last-mentioned Act or this Act into effect in such County, and also all such reasonable and necessary Expenses as shall be incurred by any such Sub-Inspector, Head or other Constable, in relation thereto; and such Sums so presented shall be levied off the County in like Manner as any other Sums presented by such Grand Jury.

Town Council may raise Amount of Expenses by way of Rate on Boroughs.

XII. It shall be lawful for the Town Council in any such Borough to make, assess, and levy such Rate as may be necessary for defraying the Amount of such Expenses as shall be incurred either in procuring or transmitting such accurate Beams and Scales, and such Sub-Standard Weights and Measures, or otherwise, in carrying the Provisions of the said last-mentioned Act or this Act into effect in such Borough; and also all such reasonable and necessary Expenses as shall be incurred by any such Sub-Inspector, Head or other Constable, in relation thereto; and such Rates shall be raised and levied in such Manner as any other Rates are authorized to be raised and levied within such Borough by any Act or Acts in force therein.

Judge of Assize to order Copies of Standards, &c. in Counties in Ire-

XIII. The Judge of Assize shall, before the Close of the Assizes which shall be held for any County in *Ireland* next after the passing of this Act, and at the First Assizes which shall be held in every succeeding Year, inquire whether One complete Set of such Copies of the Imperial Standard Weights and Measures and a sufficient Number of

of Sub-Standard Copies of Weights and Measures, Beams and Scales, and County Stamps has been provided in such County, and in every Case in which it shall not appear to him that One Set at least of such Copies has been so provided such Judge shall forthwith order the Treasurer of the County to provide One complete Set of such Copies of the Imperial Weights and Measures, and such Number of Sub-Standard Weights and Measures, Beams and Scales, and County Stamps, as shall appear to him to be sufficient for such County for the Purposes of this Act; and every such Order shall have the Effect of a Presentment on the County at large for such Sum as may be necessary to procure the same, and such Treasurer shall, within Three Calendar Months next after he shall receive such Order, fully execute the same, or failing so to do shall be liable to any Penalty not exceeding Twenty Pounds.

land when it has not been done by Grand Juries.

XIV. The Chairman of Quarter Sessions for each County in *Ireland* at the Quarter Sessions of the Peace which shall be held for such County next after the Twenty-fifth Day of *March* in the Year One thousand eight hundred and sixty-one, and at such Quarter Sessions in every succeeding Year, shall inquire whether One complete Set of such Copies of the Imperial Standard Weights and Measures, and a sufficient Number of Sub-Standard Copies of Weights and Measures, Beams and Scales, and Borough Stamps, has been provided in each Borough within such County; and in every Case in which it shall not appear to him that One Set at least of such Copies has been so provided such Chairman of Quarter Sessions shall forthwith order the Town Clerk or other proper Officer of such Borough to provide One complete Set of such Copies of the Imperial Standard Weights and Measures, and also such Number of Sub-Standard Weights and Measures, Beams and Scales, and Borough Stamps as he shall think sufficient; and every such Order shall have the Effect of an Order of the Town Council of such Borough to raise such Amount by way of Rate in such Borough as may be necessary to procure a complete Set of such Copies of the Imperial Standard Weights and Measures, and also such Number of Copies of the Sub-Standard Weights and Measures, Beams and Scales, and Borough Stamps, as shall appear to such Chairman of Quarter Sessions to be sufficient, and as he shall direct; and such Town Clerk or other proper Officer shall, within Three Calendar Months next after he shall receive such Order, fully execute the same, or failing so to do shall be liable to any Penalty not exceeding Twenty Pounds.

Chairman of Quarter Sessions to order Copies of Standard Weights and Measures in Boroughs within the County, in case it has not been done by Town Council.

XV. No Copy of any of the Imperial Standards of Weights shall be deemed legal, or used for the Purpose of enforcing the Provisions of this Act or the Act passed in the Session holden in the Fifth and Sixth

Imperial Standards of Weights and Measures when to be adjusted.

Sixth Years of the Reign of King *William* the Fourth, Chapter Sixty-three, unless the same have been compared or re-verified by the Comptroller-General, or some other Officer of the Exchequer duly authorized, within Five Years before the Time when it is so used; and no Model or Copy of any of the Imperial Standards of Measures shall be deemed legal, or used for the Purposes aforesaid, unless it have been compared or re-verified as aforesaid within Ten Years before the Time when it is so used, or unless such Model or Copy have been compared by the Sub-Inspector so appointed as aforesaid, in the County in which it is used, in the Presence of One Justice of the Peace, with a Model or Copy of the Imperial Standard of Weight duly compared and verified at the Exchequer within Five Years of its being so used, and found on such Comparison by such Inspector to be correct, or with a Model or Copy of the Imperial Standard of Measure duly compared and verified at the Exchequer within Ten Years of its being so used, and found on such Comparison by such Inspector to be correct; and the Expenses incurred in and about such Comparison or Re-verification of any such Model or Copy of any Imperial Standard of Weight or Measure shall in all Cases be paid in the same Manner, and out of the same Funds, as is provided for the procuring of such Models and Copies under the Provisions of this Act.

Power to Inspectors to inspect Beams, Scales, &c. in possession of Persons selling in the public Streets.

XVI. It shall be lawful for every *ex officio* Inspector of Weights and Measures, at all reasonable Times, to inspect all Beams, Scales, and Balances, and Weights and Measures, in the Possession of any Person selling, offering, or exposing for Sale any Goods on any open Ground, or in any public Street, Lane, Thoroughfare, or other open Place; and if upon such Inspection or Examination any such Beams, Scales, or Balances, or Weights or Measures, shall be found light or unjust, or otherwise contrary to the Provisions of this Act or the said Act passed in the Fifth and Sixth Years of King *William* the Fourth, or if any Fraud be wilfully committed in the using thereof, the same shall be liable to be seized and forfeited, and the Person or Persons using or having in his or her Possession any such false or unjust Beams, Scales, or Balances, or light or unjust Weights or Measures, shall be liable to any Penalty not exceeding Five Pounds, as shall be adjudged by any Justice or Justices before whom any such Conviction shall take place.

Power to destroy false Weights and Measures.

XVII. Every light or unjust Weight or Measure used by any Person for the Sale of any Article, or in the Possession of any Person, shall, on being discovered by any such Head or other Constable as aforesaid, be seized by him, and upon the Conviction of the Person so using or possessing the same shall be forfeited and forthwith destroyed.

XVIII. And

XVIII. Any Person who shall stamp any Weight or Measure with the County or Borough Stamp which shall not have been duly and properly compared and adjusted as herein-before mentioned, or shall use the County Sub-Standard Weights and Measures for any Purpose other than that authorized by the said Act of the Fifth and Sixth Years of King *William* the Fourth, Chapter Sixty-three, or this Act, shall, upon being convicted thereof, forfeit and pay any Sum not exceeding Five Pounds as shall be adjudged by any Justice or Justices before whom any such Conviction shall take place.

Penalty for certain Offences against Provisions of this Act.

XIX. Any Person who shall wilfully or knowingly make or sell, or cause to be made or sold, any false or unjust Beam, Scale, or Balance, or any light or unjust Weight or Measure shall, upon being convicted thereof, forfeit and pay any Sum not exceeding Ten Pounds, as shall be adjudged by any Justice or Justices before whom any such Conviction shall take place.

Penalty for making and selling false Beams and Scales or Weights and Measures.

XX. And whereas since the passing of the said Act of the Fifth and Sixth Years of King *William* the Fourth, Measures for Liquids have been constructed with a small Window or transparent Part, through which the Contents, whether to the Brim or to any other Index thereof, may be seen without Impediment, and the Use of such Measures by Publicans and others in the Retail of Malt Liquors and Spirits, and other exciseable Liquids, would be attended with Advantage both to the Purchaser and Seller: Be it therefore enacted, That Measures for such Liquids, which shall correspond in Capacity with the Sub-Standard Measures herein-before mentioned, or Parts or Multiples thereof, although such Measures may be made partly of Copper or other Metal, and partly of Glass or other transparent Medium, may be examined, compared, and stamped by all *ex officio* Inspectors of Weights and Measures, anything in the said recited Act to the contrary notwithstanding: That Measures for such Liquids, the Capacity of which shall exceed the Sub-Standard Measures, or Parts or Multiples thereof, herein-before mentioned, but which shall have the Capacity of such Sub-Standard Measures, or Parts or Multiples thereof, respectively indicated by a level Line drawn through the Centre of the Window or transparent Part, although such Measures may be made partly of Copper or other Metal, and partly of Glass or other transparent Medium, may be examined, compared, and stamped by all such Inspectors of Weights and Measures, anything in the said recited Act to the contrary notwithstanding.

Inspectors authorized to stamp Measures although made partly of Glass, &c.

XXI. All Proceedings under this Act as to compelling the Appearance of any Witness, and as to the Hearing and Determination of any Complaints,

Proceedings under this Act for

Recovery of Penalties, &c.

Complaints, or any other Matter relating thereto, shall be subject in all respects to "The Petty Sessions (*Ireland*) Act, 1851," as the same is amended by "The Petty Sessions Clerk (*Ireland*) Act, 1858," (when the Case shall be heard in any Petty Sessions District,) and to the Provisions of the Acts relating to the Divisional Police Offices, when the same shall be heard in the Police District of *Dublin* Metropolis, so far as the said Provisions shall be consistent with any special Provisions of this Act; and when any Fine or Penalty is imposed under the Provisions of this Act, such Fines and Penalties shall be paid over to such Purposes and applied in such Manner as is provided by "The Fines Act (*Ireland*), 1851."

Provisions of 5 & 6 W. 4. c. 63. (save such Parts as are hereby repealed) incorporated in this Act.

XXII The several Clauses and Provisions contained in the said Act of the Fifth and Sixth Years of King *William* the Fourth, Chapter Sixty-three, which are not by this Act expressly or by necessary Implication repealed, so far as the same are applicable, and are not modified by or inconsistent with this Act, shall be incorporated with and be construed as forming Part of this Act: Provided always, that nothing herein contained shall be construed or taken to apply to any Action or Proceeding now pending or which may have been commenced before the passing of this Act.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1860.

ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

****

CAP. CXX.

An Act to amend the Laws relating to the Ballots for the Militia in *England*, and to suspend the making of Lists and Ballots for the Militia of the United Kingdom. [28th *August* 1860.]

WHEREAS it is expedient to amend the Laws relating to the Ballot for the Militia in *England*, and the Proceedings preparatory thereto, in the Cases where a Ballot may be required for supplying the Vacancies in the Militias of any Counties or Places; and it is also expedient to suspend for a further Period the Ballots for the Militia of the United Kingdom: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

General Meetings of Lieutenancy may alter the existing Subdivi-

I. The Lieutenant of each County, Riding, and Place in *England* shall as soon as conveniently may be after the passing of this Act, when required or authorized so to do by One of Her Majesty's Principal Secretaries of State, summon a General Meeting of the Lieutenancy of such County, Riding, or Place, and such Lieutenant, together with Three or more Deputy Lieutenants, or in the Absence of the Lieutenant, or, if his Office be vacant, any Five or more Deputy

Lieutenants,

Lieutenants, may at such General Meeting, or at an Adjournment thereof, alter all or any of the appointed Subdivisions within such County, Riding, or Place, or constitute new Subdivisions therein, in such Manner as may appear to them convenient for the Execution of this Act and other Acts in relation to the Militia (the Act of the Session holden in the Fifteenth and Sixteenth Years of Her Majesty, Chapter Fifty, Section Ten, notwithstanding), and the Lieutenant shall report the Result of every such Meeting and the Description of the Subdivisions of such County, Riding, and Place, whether altered or constituted at such Meeting, or otherwise, to the Secretary of State.

Quota of Subdivisions to be fixed by Orders in Council.

II. It shall be lawful for Her Majesty, with the Advice of Her Privy Council, after the General Meetings of Lieutenancy herein-before directed to be holden, and afterwards from Time to Time as Occasion may appear to Her Majesty to require, to ascertain and fix the Number of Militiamen who shall, until other Quotas shall be fixed in like Manner, serve for each Subdivision of every County, Riding, and Place, and the Numbers so fixed as aforesaid shall be transmitted to the respective Lieutenants of the said Counties, Ridings, and Places from Time to Time, and Notice of the same shall be published in the *London Gazette*, and the Numbers so from Time to Time appointed by Her Majesty shall be the Quotas of the several Subdivisions until other Quotas are appointed in like Manner.

Secretary-at-War to apportion Deficiency among Subdivisions, and certify Numbers to be raised.

III. The Secretary-at-War shall, at such Time as he shall think fit in the Year One thousand eight hundred and sixty, and previously to the Month of *September* in every subsequent Year, apportion between or among the Subdivisions in each County, Riding, and Place, according to the Quotas for the Time being fixed as aforesaid for such Subdivisions, the Number of Men required to be raised, in addition to those then serving, to make up the full Quota for each County, Riding, and Place, and certify or cause to be certified to the Clerk of each Subdivision the Number of Men which pursuant to such Apportionment is to be raised by Ballot in such Subdivision.

Regard to be had in Apportionment of the Number of Men actually serving who when enrolled were resident in each Subdivision, &c.

IV. As well in apportioning the Number of Men required to be raised between or among the several Subdivisions as aforesaid, as in fixing under the Provisions herein-after contained the Number to serve for each Parish of a Subdivision, regard shall be had to the Number of private Men for the Time being serving in the Militia of the County, Riding, or Place, who at the Time of their being enrolled were resident in each such Subdivision or Parish, as the Case may be, and Credit shall be given to each Subdivision and Parish respectively for the private Men actually serving as aforesaid who at

at the Time of being enrolled were resident in such Subdivision or Parish, and if the Number of private Men actually serving as aforesaid who at the Time of being enrolled were resident in such Subdivision or Parish amounts to or exceeds the full Number of Men which (upon an Apportionment among Subdivisions of the full Number of the Militia of the County, Riding, or Place,) such Subdivision ought to furnish, or which on the like Apportionment of the full Quota of the Subdivision among the Parishes therein such Parish ought to furnish, the Men required to be raised to make up any Deficiency of the whole County or Subdivision shall be apportioned among the other Subdivisions or Parishes, as the Case may be, to the Exemption of the Subdivision or Parish from which such full Number of Men has been enrolled.

Lord Lieutenant to appoint Places for holding Subdivision Meetings.

V. The Lord Lieutenant of every County, Riding, and Place shall, at or after the General Meeting of Lieutenancy herein-before directed to be holden, appoint the Places at which Subdivision Meetings of Lieutenancy shall be holden for the several Subdivisions within such County, Riding, or Place, and may from Time to Time alter the same as he may see Occasion, and shall cause Notice to be given by Advertisement in One or more Newspaper or Newspapers circulating in such County, Riding, or Place, of the Places so fixed, and of the Alterations from Time to Time made as aforesaid.

As to the holding of Subdivision Meetings.

VI. A Subdivision Meeting of Lieutenancy shall be holden for each of the Subdivisions in every County, Riding, and Place on the First *Wednesday* in the Month of *October* in every Year, at Eleven of the Clock in the Forenoon.

Notices to be given to Householders.

VII. The Overseers of the Poor of every Parish shall, within Seven Days after the Second *Monday* in the Month of *September* in every Year, give or leave Notice in Writing, in the Form in the Schedule to this Act marked (A.), to the Occupier of every Dwelling House within their Parish, at such Dwelling House, or if such Dwelling House be divided into different Apartments occupied separately by several Persons, then to the Occupier of each separate Apartment, requiring him or her to prepare and produce, within Five Days next after the Day of giving such Notice, a List in Writing, to the best of his or her Belief, of the Christian Name and Surname of every Man dwelling therein between the Ages of Eighteen and Thirty, distinguishing therein every such Person claiming to be exempt from serving in the Militia, with the Ground of every such Claim; and every such Occupier shall, after such Notice so given or left, make out such List, and sign the same with his or her own Name and shall deliver the same, or cause the same to be delivered, to the Overseers,

Overseers, who are hereby required to collect the Returns to such Notices as aforesaid; and for the Purposes of this Act the Term "Parish" shall mean any Parish, Township, extra-parochial or other Place for which Overseers are appointed; and where Overseers are not required to be appointed for any Extra-parochial Place by reason of its contributing under Agreement to the Poor Rates of any Parish, such Extra-parochial Place shall for the Purposes of this Act be deemed Part of such Parish.

Penalty on Householder not making Return.

VIII. Every Occupier who neglects or refuses to make out, sign, and deliver such List as aforesaid within the Time herein-before limited, or who knowingly omits any Person who ought to have been included therein, or knowingly makes any false Return of any Particular required therein, shall for every such Offence forfeit a Sum not exceeding Five Pounds.

List to be made out from Returns.

IX. The Overseers of every Parish shall, within Fourteen Days after having delivered such Notices as aforesaid, make out or cause to be made out a fair and true List in Writing, according to the Form in the Schedule to this Act marked (B.), of the Names of all the Men usually and at that Time dwelling within the Parish to which such List refers between the Ages of Eighteen and Thirty Years, as well of those who have not made any Return or not been returned in pursuance of such Notices as aforesaid, as of those who have made such Returns or been returned in pursuance thereof, distinguishing their respective Ranks and Occupations, and those who have made Returns to such Notices from those who have neglected to make such Returns, (and where the true Name of any Person cannot be procured the common Application of such Person shall be sufficient,) and distinguishing which of the Persons so returned labour under any known Infirmity incapacitating them from serving as Militiamen, and which of the Persons so returned claim or are known to be exempt from serving in the Militia, and on what Account, and shall cause a true Copy of every such List to be affixed on the Door or the outer Wall near the Door of every Church and public Chapel in such Parish, including Places of Public Worship which do not belong to the Established Church, or (if such Parish have no such Church or Chapel) then on the Door or the outer Wall near the Door of every such Church and Chapel of some Parish thereto adjoining, during some One *Sunday* before they make the Return to the Deputy Lieutenants as directed by this Act, and shall afterwards make a Return of such List as aforesaid, or a true and exact Copy thereof, to the Deputy Lieutenants of the Subdivision in which the Parish is comprised, at their Meeting to be holden on the First *Wednesday* in

in the Month of *October* in the same Year, at the Time appointed for holding thereof.

X. The Overseers of the Poor of each Parish shall, within the Time within which they are required to give or leave such Notices as aforesaid, call a Vestry or Meeting of the Inhabitants of the Parish to determine whether or no any Volunteer or Volunteers shall be provided on Behalf of the Parish under Section Forty-two of the Act of the Forty-second Year of King *George* the Third, Chapter Ninety, and shall report the Result of such Vestry or Meeting to the Subdivision Meeting as herein-after provided; and where any Volunteer or Volunteers provided for a Parish under the said Section of the said Act shall be produced to the Deputy Lieutenants at the Subdivision Meeting appointed for the Ballot, and shall be examined and approved, every such Volunteer shall be sworn and enrolled as in the Case of a balloted Man, and the Number to be chosen by Ballot for such Parish shall be reduced or dispensed with, as the Case may require.

Vestry Meeting to be called in each Parish to determine as to providing Volunteers under Sect. 42. of 42 Geo. 3. c. 90.

XI. The said Overseers shall attend at the said Meeting at which Lists are required to be returned by them under this Act, and shall verify their said Returns upon Oath, and shall at the same Meeting report to the Deputy Lieutenants the Result of the Vestry or other Meetings of their respective Parishes, and the said Deputy Lieutenants, or any Two or more of them, assembled in their respective Subdivisions, shall direct the Names of all Persons by Law exempted or incapacitated from serving in the Militia to be struck out from the several Lists, and shall direct to be inserted therein the Names of any Persons that have been wrongfully omitted, where the Right to be exempted, the Incapacity, or the Omission may be within the Knowledge of any of such Deputy Lieutenants, or may be made known to them by the Overseers making such Returns or otherwise; and the Lists for all the Parishes in each Subdivision, with such Corrections, if any, as may be so made therein, shall together, for the Purpose of the Ballot under this Act, form and be the List for such Subdivision, and at the said Meeting the Deputy Lieutenants or any Two or more of them there assembled shall ascertain and fix the Number of Militiamen, who shall until other Quotas shall be fixed in like Manner serve for each Parish of such Subdivision, having regard as herein-before provided to the Number of private Men then serving in the Militia of the County, Riding, or Place, who at the Time of their being enrolled were resident in any such Parish, and shall thereupon appoint another Meeting to be holden not later than Seven Days thereafter for the Ballot, and shall direct the Overseers of the Parishes in such Subdivision to give such public Notice in their

Lists to be returned to Subdivision Meetings, and Deputy Lieutenants to amend Lists, and appoint Meetings for the Ballot.

their respective Parishes of the Time so appointed for such Meeting, and of the Purpose thereof, as to the said Deputy Lieutenant shall seem meet.

Penalty for inducing Overseer to make false Returns, or refusing to tell Name, &c.

XII. Every Person who, by Gratuity, Gift, or Reward, or by any Threat or Promise, or otherwise, directly or indirectly endeavours to prevail on any Person not to make any Return, or to make a false Return of any List for any Place, or to omit or erase from or out of any such List the Name of any Person who ought to be returned to serve as a Militiaman, shall for every such Offence forfeit the Sum of Fifty Pounds; and every Person who refuses to tell his Christian Name and Surname, or who knowingly tells a false Name, pretending the same to be his true Christian Name or Surname, or who refuses to tell the Christian Name or Surname of any Man lodging or dwelling within his or her House or Apartment, or knowingly tells any false Name, pretending it to be the true Name of any such Person, to any Overseer who may demand the same for the Purpose of making, correcting, or verifying any Return or List required by this Act, shall forfeit the sum of Ten Pounds.

Deputy Lieutenants may require the Attendance of Overseers, Constables, &c.

XIII. The Deputy Lieutenants within any Subdivision, or any Two or more of them, from Time to Time may issue their Order or Warrant under their Hands and Seals, requiring the Attendance of any Overseer, or any Constable, Tythingman, Headborough, or other Peace Officer of any Parish within such Subdivision, at such Time and Place as in such Order or Warrant shall be expressed; and if any such Officer whose Attendance is so required refuse or neglect to appear according to such Order or Warrant, or if any Overseer refuse or neglect to perform his Duty in the Execution of this Act, or in making any Return under this Act be guilty of any Fraud or wilful Partiality or gross Neglect in his Duty, the said Deputy Lieutenants, or any Two or more of them, shall be empowered and required to commit the Person so offending to the Common Gaol or House of Correction for any Time not exceeding One Calendar Month, or, at their Discretion, to fine such Person in any Sum not exceeding Twenty Pounds.

At the said Subdivision Meeting for Ballot twice the Number of Men required to be chosen by Ballot, and another

XIV. At the Subdivision Meeting appointed for the Ballot the Deputy Lieutenants, or any Two or more of them there assembled, after making due Allowance for any Volunteer or Volunteers who may be produced on Behalf of any Parish, and examined, approved, and sworn as herein-before provided, shall cause twice the Number of Men required to serve in the Militia for each Parish of such Subdivision to be chosen by Ballot in manner following; (that is to say,) the Names of the Persons liable to be balloted shall publicly, and in the Presence

Presence of such Magistrates, Churchwardens, and Overseers as choose to attend, be called over from the Parish List and put into the Box or Glass for balloting, and be in like Manner publicly drawn out until the Number of Men to be chosen by Ballot has been obtained; and the said Deputy Lieutenants shall cause the Names of the Men so drawn to be called or read over, and entered in a Book, and numbered in the Order in which they are drawn, and shall appoint another Meeting to be holden within Seven Days in the same Subdivision, and the Clerk of the Subdivision Meeting shall forthwith send Notice by the Post to every Man so chosen, addressed to him at his Place of Abode as stated in the Overseer's List, requiring him to appear at the Meeting so appointed, and specifying the Place, Day, and Hour of holding the same; and the Overseers of each Parish within such Division shall forthwith cause Notices to be affixed on the Door or the outer Wall near the Door of every Church and public Chapel in such Parish, including Places of Public Worship which do not belong to the Established Church, or (if such Parish have no such Church or Chapel) then on the Door or the outer Wall near the Door of every such Church and Chapel of some Parish thereto adjoining, which Notices shall state the Names and Places of Abode of such of the Men so chosen as were on the List made for such Parish, and the Fact of their having been so chosen, and shall require them to appear at the Meeting appointed as aforesaid, and shall specify the Place, Day, and Hour of holding the same.

Meeting appointed.

XV. Every Person so chosen by Ballot shall upon such Notice appear at such Meeting; and if any Person so chosen consider that his Name ought not to have been returned or inserted in the List for his Parish, or that he is not liable to serve in the Militia, he may make his Objection at such Meeting, and the Determination thereon of any Two Deputy Lieutenants if only Two be assembled, or of the greater Number of those present if more than Two, shall be final.

At such Meeting Claims of Exemption to be heard;

XVI. The said Deputy Lieutenants shall, after striking out the Names of Persons whose Objections are allowed, take and cause to be examined the remaining Persons chosen by Ballot as aforesaid, in the Order in which their Names are numbered, until the full Number of Men appearing to be of the Height of not less than Five Feet Two Inches and able and fit for Service, which is required for such Parish for the Militia, has been obtained; and the Men taken and examined, and appearing to be of such Height and able and fit for Service, shall then and there take the Oath required to be taken by Men raised by Ballot, and be enrolled (in a Roll to be prepared for that Purpose) to serve in the Militia of the County, Riding,

Lists to be corrected, and the Number of Men required to be sworn and enrolled.

Riding, or Place as a Private Militiaman for the Space of Five Years; and for the Purpose of any Examination as aforesaid the Secretary of War shall by his Regulations provide for the Attendance at any Meeting where the Men are so examined of a duly qualified Medical Practitioner, and for the Payment of such Medical Practitioner out of such Monies as may be provided by Parliament for this Purpose, and when such full Number of Men has been obtained the remaining Men on the said List shall be discharged from all further Attendance.

Provision for Case of List of balloted Men being exhausted before the requisite Number obtained.

XVII. If from Incapacity for Service, Exemption, or other Cause the List of Men chosen by Ballot be exhausted before the full Number of Men required to be furnished for any Parish has been obtained, the Deputy Lieutenants shall, at the Meeting at which such List is found to be exhausted, or at any subsequent Meeting to be appointed for the Purpose, cause twice the Number deficient to be chosen by Ballot, and a Supplemental List of the Men so chosen to be formed in manner herein provided with respect to the choosing of Men for and the Formation of the original List, and shall, at a subsequent Meeting to be appointed for this Purpose, after the like Notices have been given and affixed as required in the Case of the first choosing of Men, provide for such Deficiency out of the Men so chosen in like Manner as in the Case of such original List.

Supply of Vacancies happening between the annual Ballots from Lists of balloted Men.

XVIII. Where after the Number of Men required have been raised by Ballot, Vacancies happen by Death, Discharge, or otherwise among the Militiamen so raised in any Parish or Parishes, and the Secretary-at-War may think it requisite that such Vacancies be supplied before the Time of the next annual Ballot, a Subdivision Meeting shall be held in the Subdivision in which such Parish or Parishes is or are situate, at such Time as shall be appointed by the Secretary-at-War and certified to the Clerk of the Subdivision for this Purpose; and the Deputy Lieutenants shall at any such Meeting, or at any subsequent Meeting, cause twice the Number of Men required to supply the Vacancies to be chosen by Ballot, and a Supplemental or further Supplemental List of the Men so chosen to be formed in manner provided with respect to the choosing of Men for and the Formation of the original List at the annual Ballot, and shall at a subsequent Meeting to be appointed for this Purpose, after the like Notices have been given and affixed as required under the Enactment herein-before contained in the Case of the Men on the original List at the annual Ballot, supply out of such Supplemental or further Supplemental List the said Vacancies in like Manner as directed for providing the Men required for the Parish out of the original List.

XIX. The

Militia Ballot.

XIX. The Men sworn as herein-before provided shall within Seven Days after being sworn attend at the Head Quarters of the Regiment, or such other convenient Place as may be directed by the Commanding Officer of the Regiment, by any Order of Her Majesty, signified by One of the Principal Secretaries of State, there to be drilled, trained, or exercised by way of preliminary Instruction for not exceeding Twenty-eight Days, in like Manner and subject to the same Provisions as in the Case of Volunteers.

Men sworn to attend at Head Quarters.

XX. Any balloted Man who becomes liable to serve in the Militia may, at the Meeting at which it appears that he is so liable to serve, produce for his Substitute a Man of such Age and Height as by the Regulations of the Secretary at War may be required in the Case of Volunteers raised for the Militia, and of the same County, Riding, or Place as such balloted Man, and who has not been drawn by Ballot in the same or any other Subdivision, and such Man, if on Examination appearing able and fit to serve, shall be accepted as such Substitute, and sworn and enrolled as in the Case of a balloted Man.

Balloted Man may produce a Substitute.

XXI. If any Person chosen by Ballot under this Act (not being a Quaker) required to appear at any Subdivision Meeting in pursuance of any Notice given under this Act refuse or neglect to appear, and he become liable in the Rotation herein-before prescribed to be taken and examined as herein-before provided, or if any Person so taken and examined refuse to take the said Oath and serve in the Militia, or to provide such Substitute as herein-before mentioned, who shall be examined and approved and take the said Oath, every such Person shall forfeit any Sum not less than Forty Shillings and not exceeding Ten Pounds, and at the Expiration of Five Years be again liable to serve or provide a Substitute, and in default of Payment of such Penalty, or for Want of sufficient Effects whereon to levy the same, the Name of such Person shall be entered on the Roll, and he shall be delivered over to some proper Officer of the Regiment, Battalion, or Corps for which he was balloted, and be compelled (if found fit for Service) to serve for Five Years from the Time of his being apprehended, and be subject to the same Punishment for afterwards absconding or deserting as he would have been subject to in case he had been then sworn and enrolled in the ordinary Way.

Consequences of not appearing and being sworn.

XXII. If any Man chosen by Ballot as aforesaid, and becoming liable in the Rotation herein-before provided to be taken and examined, refuse, when required by any Two or more Deputy Lieutenants, to be examined as to his Fitness to serve in the Militia, such Person may,

Consequences of Refusal to be examined

at the Discretion of any Two or more Deputy Lieutenants, be imprisoned for any Time not exceeding One Week, and shall, notwithstanding such Imprisonment, be liable to be enrolled to serve in the Militia if he appear to the Deputy Lieutenants a proper Person to be so enrolled.

Sections 27. and 33. of 42 G. 3. c. 90. as to Quakers to apply to this Act.

XXIII. Sections Twenty-seven and Thirty-three of the Act of the Forty-second Year of King *George* the Third, Chapter Ninety, in relation to Occupiers and Overseers who are Quakers, shall apply to and in the Case of Proceedings under this Act, and Section Fifty of the said Act, as amended by the Act of the Session holden in the Fifteenth and Sixteenth Years of Her Majesty, Chapter Fifty, in relation to Persons being Quakers chosen by Ballot to serve in the Militia, and refusing or neglecting to appear and to take the Oath and serve in the Militia or provide a Substitute, shall apply to Persons being Quakers who may be chosen by Ballot, and become, or but for being Quakers would become, liable in the Rotation herein-before prescribed to be taken and examined, and if found fit to be sworn and enrolled as herein-before provided.

Forms to be furnished by Secretary of State, and Expenses incurred to be defrayed out of Monies provided by Parliament.

XXIV. One of Her Majesty's Principal Secretaries of State shall from Time to Time cause to be furnished to the said Overseers the necessary Forms for the Purpose of the said Notices and Lists, and the Expenses incurred by such Overseers in and about the collecting Returns to such Notices, and making the Returns so required of them, and otherwise in the Performance of the Duties imposed on them by this Act, shall be defrayed out of such Monies as may be provided by Parliament for this Purpose.

Provision consequential on Alteration of Quotas.

XXV. Where upon any Alteration of the Quota of any County, Riding, or Place, or of any Subdivision, such Quota shall be increased, no Proceedings shall be taken for making up the Number of Men serving for such County, Riding, Place, or Subdivision to the full Quota by means of the Ballot, until the Time for the next annual Proceedings for the Purpose of the Ballot; and where upon any such Alteration the Quota is decreased below the Number then actually serving, the Men actually serving shall nevertheless continue to serve during their Term of Service as if such Quota had not been decreased.

Provisions herein-before contained as to the Ballot to apply to Militia

XXVI. The Provisions herein-before contained for and in relation to the Ballot shall apply only to the Militia to be raised in *England*: The following Enactments relating to such Militia shall be repealed; (that is to say,) the Sections numbered Twenty-five, Twenty-six, Twenty-eight, Twenty-nine, Thirty, Thirty-one, Thirty-two, Thirty-

six,

six, Thirty-seven, Thirty-eight, Thirty-nine, Forty, Forty-four, and Forty-five of the Act of the Forty-second Year of King *George* the Third, Chapter Ninety, and Section Forty-one of the same Act, except so much thereof as prescribes the Form of Oath to be taken by Men raised by Ballot; and Sections Thirteen and Fourteen of the Act of the Forty-third Year of King *George* the Third, Chapter Fifty; and Section One of the Act of the Forty third Year of King *George* the Third, Chapter One hundred; and all the Provisions now in force of the said Act of the Forty-second Year of King *George* the Third, and of any Acts amending the same not hereby repealed, shall, so far as the same are consistent with the Provisions herein-before contained, be applicable for the Purposes thereof, and be construed therewith as One Act.

raised in England only; and certain Enactments herein named to be repealed.

XXVII. Provided always, That all Proceedings under the Enactments herein-before contained, except only the holding of the General Meetings of Lieutenancy under Section One of this Act, and the Proceedings to be had at such Meetings, and the Report of the Result thereof, and the ascertainment and fixing of the Number of Militiamen to serve for Subdivisions, and the Appointment by Lord Lieutenants of the Places for holding Subdivision Meetings, shall, unless Her Majesty by Order in Council otherwise direct, be suspended until the First Day of *October* One thousand eight hundred and sixty-one; and all General and Subdivision Meetings relating to the Militia of the United Kingdom, and all Proceedings relating to procuring any Returns, or preparing or making out Lists of such Militia or any Part thereof, for the Purpose of a Ballot, or relating to balloting for any Militiamen or supplying any Vacancies in such Militia by Ballot, as are or may be directed or authorized by or under any Act of Parliament now in force, shall cease and remain suspended until the First Day of *October* One thousand eight hundred and sixty-one.

Meetings relating to the Militia of the United Kingdom and Ballots for such Militia suspended.

XXVIII. Provided always, That it shall be lawful for Her Majesty by any Order in Council to direct that any Proceedings shall be had at any Time before the Expiration of such Period as aforesaid, either for the giving of Notices and making Returns and preparing Lists, and also for the proceeding to ballot and enrol Men for the filling up Vacancies in the Militia, as Her Majesty shall deem expedient; and upon the issuing of any such Order all such Proceedings shall be had for carrying into execution all the Provisions herein-before contained, and all other the Provisions of the Acts in force in the United Kingdom relating to the giving Notices for and Returns of Lists, and for the balloting and enrolling of Men to supply any Vacancies in the Militia, and holding General and Subdivision Meetings for such Purpose,

Proceedings may be had during such Suspension by Order in Council.

Purpose, at such Times respectively as shall be expressed in any such Order in Council, or by any Directions given in pursuance thereof to or by Lord Lieutenants, or Deputy Lieutenants acting for Lord Lieutenants, of the several Counties, Shires, Cities, and Places in the United Kingdom; and all the Provisions of this Act, and of the several other Acts in force in the United Kingdom relating to the Militia shall, upon any such Order, and any Directions given in pursuance thereof, become and be in full Force and be carried into execution by all Lieutenants, Deputy Lieutenants, Overseers, Constables, and all other Persons, at the Periods or respective Times specified in such Order or Directions as aforesaid, with all such Penalties and Forfeitures for any Neglect thereof, as fully as if such Periods or respective Times had been fixed in this Act or the other Acts relating to such Militia.

Not to extend to prevent the holding of certain Meetings relating to the Militia.

XXIX. Provided also, That nothing herein contained shall extend to prevent the holding before the Expiration of such Period as aforesaid of such General or other Meetings relating to the Militia of the United Kingdom as may be called in *Great Britain* under the Authority of One of Her Majesty's Principal Secretaries of State, or in *Ireland* under the Authority of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or of any Meeting which may be called for the Purpose of altering, enlarging, or providing any Place for the Reception of the Arms, Accoutrements, Clothing, or other Stores belonging to the Militia.

SCHEDULES to which this Act refers.

SCHEDULE (A.)

To

TAKE NOTICE, That you are hereby required, within Five Days from the Date hereof, to prepare or produce a List in Writing, to the best of your Belief, of the Christian Name and Surname of each and every Man resident in your Dwelling House between the Ages of Eighteen and Thirty, distinguishing every Person in your Dwelling House of such Age as aforesaid claiming to be exempt from serving in the Militia, together with the Ground of every such Claim of Exemption; and you are to sign such List with your own Name, and to deliver or cause the same to be delivered to us or One of us.

Dated the Day of

A.B.
C.D

Overseers of the Poor of .

Description.	Names of Persons liable to serve.	Names of Persons exempt.	Ground of Exemption.
Housekeeper - -	- - -	*A.B.*	
" - -	*C.D.*	—	
Lodger - -	*E.F.*	—	
" - - -	*G.H.*	—	
" - - -	- - -	*P.R.*	
Servants - -	*I.K.* *L.M.* *N.O.*		

N.B.—If a House is divided in distinct Stories or Apartments, occupied distinctly, each distinct Occupier is required to make this Return, and each Occupier either of the whole House or of any separate Story or Apartment, being a Man between the Ages of Eighteen and Thirty, must include in his Return his own Name with the Particulars above required.

Neglect of Compliance with this Notice will subject the Party to the Penalty of Five Pounds.

A.B.
C.D.

Overseers of the Poor of

SCHEDULE (B.)

Parish of

MILITIA LIST made pursuant to the Directions of an Act passed in the Year of the Reign of Queen Victoria.

Names returned.	Place of Abode.	Rank or Occupation.	Infirmity, if any, likely to incapacitate from serving.	Ground of Exemption.

Names of those not returned, or common Appellations.	Place of Abode.	Rank or Occupation, if known, distinguishing Housekeepers and Occupiers who have not made Returns.	Infirmity, if known.	Ground of Exemption, if known.

A. B.
C. D.

Overseers of the Poor of

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
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ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

CAP. CXXI.

An Act to amend an Act passed in the Sixth Year of Her Majesty Queen *Victoria*, intituled *An Act to enable Her Majesty to provide for the Government of Her Settlements on the Coast of* Africa *and in the* Falkland Islands.

[28th *August* 1860.]

WHEREAS by an Act passed in the Sixth Year of Her Majesty Queen *Victoria*, intituled *An Act to enable Her Majesty to provide for the Government of Her Settlements on the Coast of* Africa *and in the* Falkland Islands, Provision was made for the Government of such Settlements which were then or might thereafter be made by any of Her Majesty's Subjects resorting to the said Coast or in the said Islands: And whereas divers of Her Majesty's Subjects have occupied or may hereafter occupy other Places, being Possessions of Her Majesty, but in which no Government has been established by Authority of Her Majesty: And whereas it is necessary that Provision should be made for the Civil Government of such Places, and for the Administration of Justice therein: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: 6 & 7 Vict. c. 13.

I. The

Coast of Africa, &c. Act Amendment.

Provisions of 6 & 7 Vict. c. 13. extended to certain Territories.

I. The Provisions of the said Act shall extend to all Possessions of Her Majesty not having been acquired by Cession or Conquest, nor (except in virtue of this Act) being within the Jurisdiction of the legislative Authority of any of Her Majesty's Possessions abroad.

Orders of Council as to Jurisdiction of Supreme Courts in certain Possessions abroad.

II. It shall be lawful for Her Majesty by any Order or Orders in Council to authorize and require the Supreme or other Principal Court of Judicature in any of Her Possessions to be specified in such Order (subject always to such Conditions and Limitations as in the said Order or Orders shall be mentioned) to take cognizance of all or any Suits, Actions, or Prosecutions for Treason or Felony, which may arise in respect of any Act or Matter occurring within any Possession of Her Majesty to which this or the said herein-before recited Act shall extend, and by such Order or Orders to make Regulations respecting the Attendance of Witnesses in any such Suit, Action, or Prosecution, and the Mode of enforcing such Attendance, and respecting the Custody and Conveyance of any Person charged with the Commission of any such Crime within such last-mentioned Possessions, and respecting such other Matters as may be requisite for the due Trial of such Person by such Court as aforesaid, and every such Order shall be laid before both Houses of Parliament as soon as conveniently may be after the making thereof.

LONDON:
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ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ

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similar or analogous to the above-recited Provisions should be made with respect to Offences committed within Her Majesty's Possessions abroad: And whereas Doubts are entertained whether it is competent to the Legislature of any such Possession to make such Provision: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Legislatures of Possessions abroad empowered to make Ordinances enacting to the like Effect as in Provisions of Sect. 8. of 9 G. 4. c. 31.

I. It shall be lawful for the Legislature of any of Her Majesty's Possessions abroad to enact by any Law or Ordinance, to be by them made in the usual Manner, that where any Person, being feloniously stricken, poisoned, or otherwise hurt at any Place within the Limits of such Possession, shall die of such Stroke, Poisoning, or Hurt upon the Sea or at any Place out of the Limits of such Possession, every Offence committed in respect of any such Case, whether the same shall amount to the Offence of Murder or of Manslaughter, or of being Accessory before the Fact to Murder, or after the Fact to Murder or Manslaughter, may be dealt with, inquired of, tried, determined, and punished in the Possession within the Limits of which such Stroke, Poisoning, or Hurt shall happen, in the same Manner in all respects as if such Offence had been wholly committed within the Limits of such Possession, or such Legislature may enact, by any such Law or Ordinance to be made as aforesaid, to the like Effect.

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ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

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CAP. CXXIII.

An Act to amend the Laws relating to the Government of the Navy. [28th *August* 1860.]

WHEREAS it is expedient to amend the Laws relating to the Government of the Navy, whereon, under the good Providence of God, the Wealth, Safety, and Strength of the Kingdom chiefly depend: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

PART I.

ARTICLES OF WAR.

Public Worship.

I. All Officers in Command of Her Majesty's Ships of War shall cause the Public Worship of Almighty God according to the Liturgy of the Church of *England* established by Law to be solemnly, orderly, and reverently performed in their respective Ships, and shall take care that Prayers and Preaching, by the Chaplains in Holy Orders of the respective Ships, be performed diligently, and that the Lord's Day be observed according to Law. Public Worship to be performed.

Misconduct in the Presence of the Enemy.

Penalty for Misconduct in Action.

II. Every Flag Officer, Captain, Commander or Officer commanding subject to this Act who upon Signal of Battle, or on Sight of a Ship of an Enemy which it may be his Duty to engage, shall not,

(1.) Use his utmost Exertion to bring his Ship into Action;

(2.) Or shall not during such Action, in his own Person and according to his Rank, encourage his inferior Officers and Men to fight courageously;

(3.) Or who shall surrender his Ship to the Enemy when capable of making a successful Defence, or who in Time of Action shall improperly withdraw from the Fight,

shall, if he has acted traitorously, suffer Death; if he has acted from Cowardice shall suffer Death, or be imprisoned, and be also dismissed with Disgrace from Her Majesty's Service; and if he has acted from Negligence, or through other Default, he shall be dismissed from Her Majesty's Service, with or without Disgrace, or shall suffer such other Punishment as is herein-after mentioned.

Penalty for not pursuing the Enemy and of not assisting a Friend in View.

III. Every Officer subject to this Act who shall forbear to pursue the Chase of any Enemy, Pirate, or Rebel, beaten or flying, or shall not relieve and assist a known Friend in View to the utmost of his Power, or who shall improperly forsake his Station, shall, if he has therein acted traitorously, suffer Death; if he has acted from Cowardice, suffer Death or be imprisoned; if he has acted from Negligence, or through other Default, shall be dismissed from Her Majesty's Service, with or without Disgrace, or shall suffer such other Punishment as is herein-after mentioned.

Penalty for delaying or discouraging the Service, or deserting his Post, &c.

IV. When any Action or any Service is commanded, every Person subject to this Act who shall presume to delay or discourage the said Action or Service upon any Pretence whatsoever, or in the Presence or Vicinity of the Enemy shall desert his Post or sleep upon his Watch, shall suffer Death, or such other Punishment as is herein-after mentioned.

Penalty for Misconduct of subordinate Officers and Men in Action.

V. Every Person subject to this Act, and not being a Commanding Officer, who shall not use his utmost Exertions to carry the Orders of his superior Officers into execution when ordered to prepare for Action, or during the Action, shall, if he has acted traitorously, suffer Death; if he has acted from Cowardice shall suffer Death, or be imprisoned; and if he has acted from Negligence, or through other Default, be dismissed from Her Majesty's Service, with or without Disgrace, or suffer such other Punishment as is herein-after mentioned.

Commu-

Naval Discipline.

Communications with the Enemy.

VI. All Spies for the Enemy shall be deemed to be Persons subject to this Act, and shall suffer Death, or such other Punishment as is herein-after mentioned. Penalty for Spies.

VII. Every Person subject to this Act who shall traitorously hold—
(1.) Correspondence with or shall give Intelligence to the Enemy;
(2.) Or fail to make known to the proper Authorities any Information he may have received from the Enemy;
(3.) Or who shall relieve the Enemy with any Supplies,
shall suffer Death, or such other Punishment as is herein-after mentioned. Penalty for corresponding, &c. with the Enemy.

VIII. Every Person subject to this Act who shall, without any treacherous Intention, hold any improper Communication with the Enemy, shall be dismissed from Her Majesty's Service, or shall suffer such other Punishment as is herein-after mentioned. Penalty for improper Communication with the Enemy.

Neglect of Duty.

IX. Every Person subject to this Act who shall desert his Post or sleep upon his Watch, or negligently perform the Duty imposed on him, shall be dismissed from Her Majesty's Service, with or without Disgrace, or shall suffer such other Punishment as is herein-after mentioned. Penalty for abandoning Post, &c.

Mutiny.

X. Where Mutiny is accompanied by Violence, every Person subject to this Act who shall join therein shall suffer Death, Penal Servitude, or Imprisonment; and every Person subject to this Act who shall not use his utmost Exertions to suppress such Mutiny shall, if he has acted traitorously, suffer Death, Penal Servitude, or Imprisonment; if he has acted from Cowardice, shall suffer Penal Servitude or Imprisonment; if he has acted from Negligence he shall be dismissed from Her Majesty's Service, with or without Disgrace, or suffer such other Punishment as is herein-after mentioned. Penalty for Mutiny with Violence.

XI. Where a Mutiny is not accompanied by Violence, the Ringleaders of such Mutiny shall suffer Death, Penal Servitude, or Imprisonment; and all other Persons who shall join in such Mutiny, or shall not use their utmost Exertions to suppress the same, shall suffer Imprisonment, or such other Punishment as is herein-after mentioned. Penalty for Mutiny not accompanied by Acts of Violence.

XII. Every Person subject to this Act who shall endeavour to seduce any other Person subject to this Act from his Duty or Allegiance Penalty for inciting to Mutiny.

Allegiance to Her Majesty, or endeavour to incite him to commit any Act of Mutiny, shall suffer Death, Penal Servitude, Imprisonment, or such other Punishment as is herein-after mentioned.

Penalty for Civilians endeavouring to seduce from Allegiance.

XIII. Every Person, not otherwise subject to this Act, who, being on board any Ship of Her Majesty, shall endeavour to seduce from his Duty or Allegiance to Her Majesty any Person subject to this Act, shall so far as respects such Offence be deemed to be a Person subject to this Act, and shall suffer Death or such other Punishment as is herein-after mentioned.

Penalty for making mutinous Assemblies or uttering seditious Words.

XIV. Every Person subject to this Act who shall make or endeavour to make any mutinous Assembly, or shall lead or incite any other Person to join in any mutinous Assembly, or shall utter any Words of Sedition or Mutiny, shall suffer Penal Servitude, Imprisonment, or such other Punishment as is herein-after mentioned.

Penalty for concealing any traitorous or mutinous Practice, Design, or Words.

XV. Every Person subject to this Act who shall wilfully conceal any traitorous or mutinous Practice or Design, or any traitorous or mutinous Words spoken against Her Majesty, or any Words, Practice, or Design tending to the Hindrance of the Service, shall suffer Penal Servitude, Imprisonment, or such other Punishment as is herein-after mentioned.

Penalty for striking or offering to strike superior Officer.

XVI. Every Person subject to this Act who shall strike or offer to strike or use any Violence against his superior Officer, being in the Execution of his Office, shall be punished with Death, Penal Servitude, Imprisonment, or such other Punishment as is herein-after mentioned; and every Person subject to this Act who shall strike or offer to strike or use any Violence against his superior Officer, not being in the Execution of his Office, shall be punished with Penal Servitude or such other Punishment as is herein-after mentioned.

Insubordination.

Penalty for Disobedience or using threatening Language to superior Officer.

XVII. Every Person who shall wilfully disobey any lawful Command of his superior Officer, or shall use threatening or insulting Language or behave with Contempt to his superior Officer, shall be punished with Dismissal from Her Majesty's Service, with or without Disgrace, or suffer Imprisonment or such other Punishment as is herein-after mentioned.

Penalty for quarrelling, &c., or using reproachful Speech or Gestures.

XVIII. Every Person subject to this Act who shall quarrel or fight with any other Person, whether such other Person be or be not subject to this Act, or shall use reproachful or provoking Speeches or Gestures, tending to make any Quarrel or Disturbance, shall suffer Imprisonment or such other Punishment as is herein-after mentioned.

Desertion

Naval Discipline.

Desertion and Absence without Leave.

XIX. Every Person subject to this Act who shall absent himself from his Ship or from the Place where his Duty requires him to be, without any Intention of returning to such Ship or Place, or who shall at any Time and under any Circumstances when absent from his Ship do any Act which shows that he has not any Intention of returning to such Ship or Place, shall be deemed to have deserted, and shall be punished accordingly; that is to say, Penalty for Desertion.

(1.) If he has deserted to the Enemy he shall be punished with Death, Penal Servitude, or such other Punishment as is herein-after mentioned;

(2.) If he has deserted under any other Circumstances he shall be punished with Penal Servitude or such other Punishment as is herein-after mentioned;

and in every such Case he shall forfeit all Pay, Head Money, Bounty, Salvage, Prize Money, and Allowances that have been earned by him, and all Annuities, Pensions, Gratuities, Medals, and Decorations that may have been granted to him, and also all Clothes and Effects which he may have left on board the Ship or at the Place from which he has deserted, unless the Tribunal by which he is tried shall otherwise direct.

XX. Every Person subject to this Act who shall endeavour to seduce any other Person subject to this Act to desert shall suffer Imprisonment, or such other Punishment as is herein-after mentioned. Penalty for inducing any Person to desert.

XXI. Every Officer in Command of any Ship of Her Majesty who shall receive or entertain any Deserter from Her Majesty's Military or Naval Forces, after discovering him to be a Deserter, and shall not, with all convenient Speed, in the Case of a Deserter from Her Majesty's Naval Forces, give Notice to the Commanding Officer of the Ship to which such Deserter belongs, or, if such Ship is at a Distance, to the Secretary of the Admiralty or to the Commander-in-Chief, or, in case of a Deserter from Her Majesty's Military Forces, give Notice to the Secretary of War or the Commanding Officer of the Regiment to which such Deserter belongs, the Officer so offending shall be dismissed from Her Majesty's Service, or shall suffer such other Punishment as is herein-after mentioned. Penalty for entertaining a Deserter.

XXII. Every Person subject to this Act who shall be absent without Leave shall be liable to Imprisonment for any Period not exceeding Ten Weeks, with or without Hard Labour, or such other Punishment as the Circumstances of the Case may require, and shall also forfeit out of his Wages a Sum not exceeding the Amount of Two Days Pay, exclusive of all Charges of Apprehension, and in Penalty for Absence without Leave.

addition for every Twenty-five Hours of Absence a Sum not exceeding Six Days Pay; and any Person may be deemed to be absent without Leave, notwithstanding his Absence may not have been voluntary, but may have been caused by Imprisonment under any Commitment for any Offence against the Law.

Miscellaneous Offences.

Penalty for profane Swearing and other Immoralities.

XXIII. Every Person subject to this Act who shall be guilty of profane Oaths, Cursings, Execrations, Drunkenness, Uncleanness, or other scandalous Actions in derogation of God's Honour and Corruption of good Manners, shall be dismissed from Her Majesty's Service, or suffer such other Punishment as is herein-after mentioned.

Penalty on Officer for Cruelty or Oppression.

XXIV. Every Officer subject to this Act who shall be guilty of Cruelty, or of any scandalous or fraudulent Conduct, shall be dismissed with Disgrace from Her Majesty's Service; and every Officer subject to this Act who shall be guilty of any other Conduct unbecoming the Character of an Officer shall be dismissed, with or without Disgrace, from Her Majesty's Service.

Penalty for suffering Ships to be improperly lost.

XXV. Every Person subject to this Act who shall either designedly or negligently suffer any Ship of Her Majesty to be improperly lost, stranded, or hazarded, shall be dismissed from Her Majesty's Service, with or without Disgrace, or suffer Imprisonment or such other Punishment as is herein-after mentioned.

Penalty for not taking care of and defending Ships under Convoy.

XXVI. The Officers of all Ships of Her Majesty appointed for the Convoy and Protection of any Ships or Vessels shall diligently perform their Duty without Delay according to their Instructions in that Behalf; and every Officer who shall fail in his Duty in this respect, and shall not defend the Ships and Goods under his Convoy, without Deviation to any other Objects, or shall refuse to fight in their Defence if they are assailed, or shall cowardly abandon and expose the Ships in his Convoy to Hazard, or shall demand or exact any Money or other Reward from any Merchant or Master for convoying any Ships or Vessels entrusted to his Care, or shall misuse the Masters or Mariners thereof, shall make such Reparation in Damages to the Merchants, Owners, and others as the Court of Admiralty may adjudge, and also shall be punished criminally according to the Nature of his Offence, by Death or such other Punishment as is herein-after mentioned.

Master of Merchant Vessel to obey Orders of convoying Officer.

XXVII. Every Master or other Officer in Command of any Merchant or other Vessel under the Convoy of any Ship of Her Majesty shall obey the Commanding Officer thereof in all Matters relating to the Navigation or Security of the Convoy, and shall take such

such Precautions for avoiding the Enemy as may be directed by such Commanding Officer; and if he shall fail to obey such Directions such Commanding Officer may compel Obedience by Force of Arms, without being liable for any Loss of Life or of Property that may result from his using such Force.

Penalty for taking any Goods on board other than for the Use of the Vessel, except Gold, Silver, Jewels, &c.

XXVIII. Every Officer in Command of any of Her Majesty's Ships who shall receive on board, or permit to be received on board, such Ship any Goods or Merchandises whatsoever, other than for the sole Use of the Ship, except Gold, Silver, or Jewels, and except the Goods and Merchandise belonging to any Merchant or on board any Ship which may be shipwrecked or in imminent Danger, either on the High Seas or in some Port, Creek, or Harbour, for the Purpose of preserving them for their proper Owners, or except such Goods or Merchandise as he may at any Time be ordered to take or receive on board by Order of the Admiralty, shall be dismissed from Her Majesty's Service, or suffer such other Punishment as is herein-after mentioned.

Penalty for embezzling Public Stores.

XXIX. Every Person subject to this Act who shall wastefully expend, embezzle, or fraudulently buy, sell, or receive, any Ammunition, Provisions, or other Public Stores, and every Person subject to this Act who shall knowingly permit any such wasteful Expenditure, Embezzlement, Sale, or Receipt, shall suffer Imprisonment or such other Punishment as is herein-after mentioned.

Penalty for burning any Magazine or Vessel, &c. not belonging to an Enemy.

XXX. Every Person subject to this Act who shall unlawfully set fire to any Dockyard, Victualling Yard, or Steam Factory Yard, Arsenal, Magazine, Building, Stores, or to any Ship, or Furniture thereunto belonging, not being the Property of an Enemy, Pirate, or Rebel, shall suffer Death or such other Punishment as is herein-after mentioned.

Penalty for making or signing false Musters.

XXXI. Every Person subject to this Act who shall knowingly make or sign a false Muster or Record or other official Document, or who shall command, counsel, or procure the making or signing thereof, or who shall aid or abet any other Person in the making or signing thereof, shall be dismissed from Her Majesty's Service, with or without Disgrace, or suffer such other Punishment as is herein-after mentioned.

Penalty for Misconduct in Hospital.

XXXII. Every Person subject to this Act who shall wilfully do any Act, or wilfully disobey any Orders, whether in Hospital or elsewhere, with Intent to produce or to aggravate any Disease or Infirmity, or to delay his Cure, or who shall feign any Disease, Infirmity, or Inability to perform his Duty, shall suffer Imprisonment, or such other Punishment as is herein-after mentioned.

XXXIII. Every

Penalty for endeavouring to stir up any Disturbance on account of Unwholesomeness of the Victuals or other just Grounds.

XXXIII. Every Person subject to this Act who shall have any Cause of Complaint, either of the Unwholesomeness of the Victuals or upon any other just Ground, shall quietly make the same known to his Superior, or Captain, or Commander-in-Chief, and the said Superior, Captain, or Commander-in-Chief shall, as far as he is able, cause the same to be presently remedied; and no Person subject to this Act upon any Pretence whatever shall attempt to stir up any Disturbance, upon Pain of such Punishment as a Court-martial may think fit to inflict, according to the Degree of Offence.

Penalty for Offences against Naval Discipline not particularly mentioned.

XXXIV. Every Person subject to this Act who shall be guilty of any Act, Disorder, or Neglect to the Prejudice of good Order and Naval Discipline, not herein-before specified, shall suffer Imprisonment, or such other Punishment as is herein-after mentioned.

Penalty for not sending to the Court of Admiralty all Papers found aboard Prize Ships.

XXXV. All the Papers, Charter Parties, Bills of Lading, Passports, and other Writings whatsoever that shall be taken, seized, or found aboard any Ship or Ships which shall be taken as Prize shall be duly preserved, and the Commanding Officer of the Ship which shall take such Prize shall send the Originals entire and without Fraud to the Court of Admiralty, or such other Court or Commissioners as shall be authorized to determine whether such Prize be lawful Capture, there to be viewed, made use of, and proceeded upon, according to Law, upon Pain that every Person offending herein shall be dismissed from Her Majesty's Service, or shall suffer such further Punishment as is herein-after mentioned, and in addition thereto shall forfeit and lose his Share of the Capture.

Penalty for taking Money or other Effects out of any Prize before the same shall be condemned.

XXXVI. No Person subject to this Act shall take out of any Prize or Ship seized for Prize any Money, Plate, or Goods, unless it shall be necessary for the better securing thereof, or for the necessary Use and Service of any of Her Majesty's Ships and Vessels of War, before the same be adjudged lawful Prize in some Admiralty Court; but the full and entire Account of the whole without Embezzlement shall be brought in, and Judgment passed entirely upon the whole, without Fraud, upon Pain that every Person offending herein shall be dismissed from Her Majesty's Service, with or without Disgrace, or suffer such other Punishment as is herein-after mentioned, and in addition thereto forfeit and lose his Share of the Capture.

Penalty for stripping or ill-using Persons taken on board a Prize.

XXXVII. If any Ship or Vessel shall be taken as Prize, none of the Officers, Mariners, or other Persons on board her shall be stripped of their Clothes, or in any sort pillaged, beaten, or evil intreated, upon Pain that the Person or Persons so offending shall be dismissed from Her Majesty's Service, with or without Disgrace, or suffer such other Punishment as is herein-after mentioned.

OFFENCES PUNISHABLE BY ORDINARY LAW.

XXXVIII. Every Person subject to this Act who shall be guilty of Murder shall suffer Death: Penalty for Offences punishable by ordinary Law.

If he shall be guilty of Manslaughter he shall suffer Penal Servitude, Imprisonment, or such other Punishment as is herein-after mentioned:

If he shall be guilty of Sodomy with Man or Beast he shall suffer Penal Servitude:

If he shall be guilty of indecent Assaults he shall suffer Penal Servitude or such other Punishment as is herein-after mentioned:

If he shall be guilty of Robbery or Theft he shall suffer Penal Servitude, Imprisonment, or such other Punishment as is herein-after mentioned:

If he shall be guilty of any other Criminal Offence punishable by the Laws of *England*, he shall be punished either in pursuance of the First Part of this Act as an Act to the Prejudice of good Order and Naval Discipline not otherwise specified, or the Offender shall be subject to the same Punishment as might be awarded by any Civil Tribunal competent to try the Offender.

XXXIX. For all Offences specified or referred to in this Act, if committed by any Person subject thereto in any Harbour, Haven, or Creek, or on any Lake or River, whether in or out of the United Kingdom or anywhere within the Jurisdiction of the Admiralty, or at any Place on Shore out of the United Kingdom of *Great Britain* and *Ireland*, or in any of Her Majesty's Dockyards, Victualling Yards, Steam Factory Yards, or on any Gun Wharf, or in any Arsenal, Barrack, or Hospital belonging to Her Majesty, whether in or out of the said United Kingdom, the Offender may be tried and punished under this Act, and for all Offences herein-before specified under the Headings "Communications with the Enemy," "Mutiny," "Insubordination," "Desertion and Absence without Leave," or "Miscellaneous Offences," if committed by any Person subject to this Act at any Place on Shore, whether in or out of the said United Kingdom, the Offender may be tried and punished under this Act. Offences, when punishable.

PART II.

GENERAL PROVISIONS.

XL. Where the Amount of Punishment for any Offence under this Act depends upon the Intent with which it has been committed, and any Prisoner is charged with having committed such Offence with an Intent involving a greater Degree of Punishment, a Court-martial may find that the Offence was committed with an Intent involving a less Degree of Punishment, and award such Punishment accordingly. Power of Court-martial to find Intent with which Offence committed.

Power of Court-martial to find Prisoner guilty of lesser Offence on Charge of greater.

XLI. Where any Prisoner shall be charged with Murder, a Court-martial may find him guilty of Manslaughter or of a Common Assault; where he shall be charged with Sodomy, a Court-martial may find him guilty of an indecent Assault; where he shall be charged with Theft, a Court-martial may find him guilty of an Attempt to thieve, or of Embezzlement, or of wrongful Appropriation of Property belonging to another; and generally where any Prisoner shall be charged with any Offence under this Act he may upon Failure of Proof of the Commission of the greater Offence be found guilty of another Offence of the same Class, involving a less Degree of Punishment, but not of any Offence involving a greater Degree of Punishment.

Rebels and Mutineers to be deemed Enemies.

XLII. All armed Rebels, armed Mutineers and Pirates, shall be deemed to be Enemies within the Meaning of this Act.

Power to arrest Offenders.

XLIII. Every Officer in Command of One of Her Majesty's Ships may, by Warrant under his Hand, authorize any Person to arrest an Offender belonging to such Ship for any Offence against this Act mentioned in such Warrant; and any Person so authorized may use Force, if necessary, for the Purpose of effecting such Apprehension, towards any Person subject to this Act.

Penalty for not assisting in Detection of Prisoners.

XLIV. Every Person subject to this Act who shall not use his utmost Endeavours to detect, apprehend, and bring to Punishment all Offenders against this Act, and shall not assist the Officers appointed for that Purpose, shall suffer Imprisonment or such other Punishment as is herein-after mentioned.

PART III.

Regulations as to Punishments.

Punishments.

XLV. The following Punishments may be inflicted in Her Majesty's Navy:

(1.) Death:
(2.) Penal Servitude:
(3.) Dismissal with Disgrace from Her Majesty's Service:
(4.) Imprisonment or Corporal Punishment:
(5.) Dismissal from Her Majesty's Service:
(6.) Forfeiture of Seniority as an Officer for a specified Time, or otherwise:
(7.) Dismissal from the Ship to which the Offender belongs:
(8.) Severe Reprimand, or Reprimand:

(9.) Disrating

(9.) Disrating a Subordinate or Petty Officer:

(10.) Forfeiture of Pay, Head Money, Bounty, Salvage, Prize Money, and Allowances earned by and of all Annuities, Pensions, Gratuities, Medals, and Decorations granted to the Offender, or of any One or more of the above Particulars; also, in the Case of Desertion, of all Clothes and Effects left by the Deserter on board the Ship to which he belongs.

(11.) Such minor Punishments as are now inflicted according to the Custom of the Navy, or may from Time to Time be allowed by the Admiralty:

and each of the above Punishments shall be deemed to be inferior in Degree to every Punishment preceding it in the above Scale.

Regulations as to Punishments.

XLVI. The following Regulations are hereby made with respect to the Infliction of Punishments in Her Majesty's Navy:

(1.) The Admiralty may, except in case of Sentence of Death, which shall only be remitted by Her Majesty, suspend, annul, or modify any Sentence passed on any Person subject to this Act:

(2.) Judgment of Death shall not be passed on any Prisoner unless Four at least of the Officers present at the Court-martial, where the Number does not exceed Five, and in other Cases a Majority of not less than Two Thirds of the Officers present, concur in the Sentence:

(3.) The Punishment of Death shall not be inflicted on any Prisoner until the Sentence has been confirmed by the Admiralty or by the Commander-in-Chief on a Foreign Station:

(4.) The Punishment of Penal Servitude may be inflicted for the Term of Life, or for any other Term of not less than Four Years:

(5.) The Punishment of Penal Servitude shall in all Cases involve Dismissal with Disgrace from Her Majesty's Service:

(6.) Dismissal with Disgrace shall involve in all Cases a Forfeiture of all Pay, Head Money, Bounty, Salvage, Prize Money, and Allowances that have been earned by, and of all Annuities, Pensions, Gratuities, Medals, and Decorations that may have been granted to the Offender, and an Incapacity to serve Her Majesty again in any Military, Naval, or Civil Service; and may also in all Cases be accompanied by a Sentence of Imprisonment, with or without Solitary Confinement not exceeding the Periods herein-after mentioned, and with or without Hard Labour for all or any Part of the Term of Imprisonment, and with or without Corporal Punishment:

(7.) The

(7.) The Punishment of Imprisonment may be inflicted for any Term not exceeding Two Years; it may be accompanied with a Direction that the Prisoner shall be kept in Solitary Confinement for any Period of such Term not exceeding Fourteen Days at any One Time, and not exceeding Eighty-four Days in any One Year, with Intervals between the Periods of Solitary Confinement of not less Duration than the Periods of Solitary Confinement, and when the Imprisonment awarded exceeds Eighty-four Days, the Solitary Confinement shall not exceed Seven Days in any Twenty-eight Days of the whole Imprisonment awarded, with Intervals between the Periods of Solitary Confinement of not less Duration than such Periods, or the Punishment of Imprisonment may be accompanied with a Direction that the Prisoner shall be kept to Hard Labour for all or any Part of the Term of Imprisonment; and Corporal Punishment may be awarded in addition to any Sentence of Imprisonment: In any Case of Corporal Punishment, not more than Forty-eight Lashes shall be inflicted:

(8.) No Officer shall be subject to Corporal Punishment: no Petty or Non-commissioned Officer shall be subject to Corporal Punishment, except in case of Mutiny:

All other Punishments authorized by this Act may be inflicted in the Manner heretofore in use in the Navy.

Limitation of Time as to Trials.

XLVII. No Person, unless he be an Offender who has avoided Apprehension or fled from Justice, shall be tried or punished in pursuance of this Act for any Offence committed by him unless such Trial shall take place within Three Years from the Commission of such Offence, or within One Year after the Return of such Offender to the United Kingdom, where he has been absent from the United Kingdom during such Period of Three Years.

Scale of Punishment.

XLVIII. Subject to the foregoing Regulations, where any Punishment is specified by this Act as the Penalty for any Offence, and it is further declared that another Punishment may be awarded in respect of the same Offence, the Expression "other Punishment" shall be deemed to comprise every Punishment inferior in Degree to the specified Punishment, according to the Scale herein-before mentioned; but Corporal Punishment shall be deemed equal in Degree to Imprisonment, and may in all Cases, subject to the foregoing Regulations, be inflicted as a Substitute for or in addition to Imprisonment.

Authorities having Power to try Offences.

XLIX. Any Offence triable under this Act may be tried and punished by Court-martial; and any Offence triable under this Act, not

not committed by an Officer, and not hereby made Capital, may, under such Regulations as the Admiralty may from Time to Time issue, be summarily tried and punished by the Officer in Command of the Ship to which such Offender belongs, subject to the following Restrictions; (that is to say,)

(1.) The Commanding Officer shall not have Power to award the Punishment of Penal Servitude:

(2.) The Commanding Officer shall not have Power to sentence any Man, except a Deserter, or Man absent without Leave, to Imprisonment for a longer Period than Twenty-eight Days, nor to sentence a Deserter to Imprisonment for a longer Period than Three Calendar Months, nor a Man absent without Leave to Imprisonment for a longer Period than Six Weeks, nor to award Solitary Confinement for more than Seven Days at a Time with Intervals of not less than Seven Days between each Period of Solitary Confinement:

(3.) Except in case of open Mutiny, no Man shall be sentenced by the Commanding Officer to Corporal Punishment until his Offence has been inquired into by One or more Officers appointed by such Commanding Officer, and his or their Opinion as to the Guilt or Innocence of the Prisoner reported to such Commanding Officer, and the Commanding Officer shall thereupon act as according to his Judgment may seem right.

PART IV.

COURTS-MARTIAL.

Constitution of Courts-martial.

Constitution of Courts-martial.

L. The following Regulations are hereby made with respect to Courts-martial:

(1.) A Court-martial shall consist of not less than Five nor more than Nine Officers:

(2.) No Officer shall be qualified to sit as a Member of any Court-martial held in pursuance of this Act unless he be a Flag Officer, Captain, Commander, or Lieutenant of Her Majesty's Navy on Full Pay:

(3.) A Court-martial shall not be held unless at least Three of Her Majesty's Ships, not being Tenders, and not commanded by Officers under the Rank of Lieutenant, are together at the Time when such Court-martial is held:

(4.) No Officer shall sit on a Court-martial who is under Twenty-one Years of Age:

(5.) No Court-martial for the Trial of a Flag Officer shall be duly constituted unless the President is a Flag Officer, and the other Officers composing the Court are of the Rank of Captain, or of higher Rank:

(6.) No Court-martial for the Trial of a Captain in Her Majesty's Navy shall be duly constituted unless the President is a Captain or of higher Rank, and the other Officers composing the Court are Commanders or Officers of higher Rank:

(7.) No Court-martial for the Trial of any Person below the Rank of Captain in Her Majesty's Navy shall be duly constituted, unless the President is a Captain or of higher Rank, nor unless in addition to the President there are Two other Members of the Court of the Rank of Commander or of higher Rank:

(8.) The Prosecutor shall not sit on any Court-martial for the Trial of a Prisoner whom he prosecutes:

(9.) The Admiralty shall have Power to order Courts-martial to be held for the Trial of Offences under this Act, and to grant Commissions to any Officer of Her Majesty's Navy on Full Pay authorizing him to order Courts-martial to be held for the Trial of such Offences:

(10.) An Officer holding a Commission from the Admiralty to order Courts-martial shall not be empowered to do so if there is present at the Place where such Court-martial is to be held any Officer superior in Rank to himself, although such last-mentioned Officer may not hold a Commission to order Courts-martial; and in such a Case such last-mentioned Officer may order a Court-martial, although he does not hold any Commission for the Purpose:

(11.) If any Officer holding a Commission from the Admiralty to order Courts-martial, having the Command of a Fleet or Squadron, and being in Foreign Parts, die, be recalled, leave his Station, or be removed from his Command, the Officer upon whom the Command of the Fleet or Squadron devolves, and so from Time to Time the Officer who shall have the Command of the Fleet or Squadron, shall, without any Commission from the Admiralty, have the same Power to order Courts-martial as the first-mentioned Officer was invested with:

(12.) If any Officer holding a Commission from the Admiralty to order Courts-martial, and having the Command of any Fleet or Squadron of Her Majesty's Ships in Foreign Parts, shall detach any Part of such Fleet or Squadron, he may, by Commission under his Hand, empower the Commanding Officer of the Squadron or Detachment ordered

ordered on such separate Service, and in case of his Death or ceasing so to command the Officer to whom the Command of such separate Squadron or Detachment shall belong, to order Courts-martial during the Time of such separate Service, or until such Authority shall be revoked, or until the Officer commanding the Detachment shall come under the Command of another superior Officer, or shall return to the United Kingdom:

(13.) The Officer ordering a Court-martial shall not sit thereon:

(14.) The President of every Court-martial shall be named by the Authority ordering the same, or by any Officer empowered by such Authority to name the President:

(15.) No Commander or Lieutenant shall be required to sit as a Member of any Court-martial when Four Officers of a higher Rank and junior to the President can be assembled at the Place where the Court-martial is to be holden:

(16.) Subject to the foregoing Regulations, whenever a Court-martial shall be held the Officer appointed to preside thereat shall summon, according to Seniority, all the Officers present at the Place where the Court-martial shall be held to sit thereon, until the Number of Nine, or such Number, not less than Five, as is attainable, is complete; subject to this Proviso, that the Admirals and Captains, being Superintendents of Her Majesty's Dockyards, shall not be summoned to sit on Courts-martial unless specially directed to do so by Orders from the Admiralty.

Proceedings of Courts-martial.

Sittings of Courts-martial.

LI. A Court-martial held in pursuance of this Act shall sit from Day to Day, with the Exception of *Sundays*, until Sentence is given, and its Proceedings shall not be delayed by the Absence of any Member, so that not less than Five are present; and no Member shall absent himself unless compelled so to do by Sickness or other just Cause, to be approved of by the other Members of the Court; and if any Member of a Court-martial shall absent himself therefrom, in contravention of this Section, he shall be dismissed from Her Majesty's Service, or shall suffer such other Punishment as may be awarded by a Court-martial.

Appointment of officiating Judge Advocate.

LII. In the Absence of a Judge Advocate or his Deputy, the Officer who is to be the President of the Court-martial may appoint any Person to officiate as Judge Advocate at the Trial; and the Judge Advocate of any Fleet for the Time being, or his Deputy, or the Person officiating as Judge Advocate, herein-after included under the Term "the Judge Advocate," shall administer an Oath to every Witness appearing at the Trial.

LIII. As

Proceedings at Trial.

LIII. As soon as the Court is assembled, the Names of the Officers composing the Court shall be read over to the Prisoner, who shall be asked if he objects to being tried by any Member of the Court. If the Prisoner shall object to any Member, the Objection shall be decided by the Court. If the Objection shall be allowed, the Place of the Member objected to shall be filled up by the Officer next in Seniority who is not on the Court-martial, subject to the Regulations herein-before contained.

Oaths to be administered to Members of Courts-martial.

LIV. Before the Court shall proceed to try the Prisoner, the Judge Advocate shall administer to every Member of the Court the following Oath; that is to say,

'I do swear, That I will duly administer Justice according 'to Law, without Partiality, Favour, or Affection; and I do 'further swear, that I will not on any Account, at any Time what-'soever, disclose or discover the Vote or Opinion of any particular 'Member of this Court-martial, unless thereunto required in due 'Course of Law. So help me GOD.'

Oath to be administered to Judge Advocate, &c.

LV. As soon as the said Oath shall be administered to the Members of the Court-martial, the President shall administer to the Judge Advocate the following Oath:

'I do swear, That I will not upon any Account, 'at any Time whatsoever, disclose or discover the Vote or Opinion 'of any particular Member of the Court-martial, unless thereunto 'required in due Course of Law. So help me GOD.'

Summoning Witnesses.

LVI. Every Person, Civil, Naval, and Military, who may be required to give Evidence before a Court-martial, shall be summoned by the Judge Advocate; and all Persons so summoned and attending as Witnesses before any Court-martial shall, during their necessary Attendance in or on such Court, and in going to and returning from the same, be privileged from Arrest, and shall, if unduly arrested, be discharged by the Court out of which the Writ or Process issued by which such Witness was arrested, or if such Court be not sitting, then by any Judge of the Superior Courts of *Westminster* or *Dublin*, or the Court of Session in *Scotland*, or of the Courts of Law in the *East* or *West Indies* or elsewhere, according as the Case shall require, upon its being made to appear to such Court or Judge, by any Affidavit in a summary Way, that such Witness was arrested in going to or returning from or attending upon such Court-martial; and all Witnesses so duly summoned as aforesaid who make default in attending on such Courts, or attending refuse to be sworn or make Affirmation, or being sworn or having made Affirmation refuse to give Evidence, or to answer all such Questions as the Court may legally

legally demand of them, or prevaricate in giving their Evidence, shall be liable to be attached in the Court of Queen's Bench in *London* or *Dublin*, or the Court of Session, or Sheriff Depute or Stewarts Depute, or their respective Substitutes, within their several Shires and Stewartries, in *Scotland*, or Courts of Law in the *East* or *West Indies*, or in any of Her Majesty's Colonies, Garrisons, or Dominions in *Europe* or elsewhere, respectively, upon Complaint made, in like Manner as if such Witness after having been duly summoned and subpœnaed had neglected to attend on a Trial in any Proceeding in the Court in which such Complaint is made, or had refused to be sworn, or on being sworn had refused to give Evidence, or to answer all such Questions as the Court may legally demand, or had prevaricated in giving Evidence, or if the Court-martial shall think fit, in case any such Person belong to Her Majesty's Navy, being called upon to give Evidence at any Court-martial, shall refuse or neglect to attend to give his Evidence upon Oath or Affirmation, or shall prevaricate in his Evidence, or behave with Contempt to the Court, such Court-martial may punish every such Offender by Imprisonment not longer than Three Months, in case of such Refusal, Neglect, or Prevarication, nor longer than One Month in the Case of such Contempt; and every Person not subject to this Act who may be so summoned to attend shall be allowed and paid his reasonable Expenses, under the Authority of the Admiralty, for such Attendance.

Penalty on Persons giving false Evidence.

LVII. Every Person who, upon any Examination upon Oath or upon Affirmation, before any Court-martial held in pursuance of this Act, shall wilfully and corruptly give false Evidence, shall be liable to the Penalties of wilful and corrupt Perjury.

Where Persons are insane at the Time of Offence or Trial.

LVIII. Where it shall appear upon the Trial by Court-martial of any Person charged with an Offence that such Person is insane, the Court shall find specially the Fact of his Insanity, and shall order such Person to be kept in strict Custody in such Place and in such Manner as to the Court shall deem fit, until the Directions of the Admiralty thereupon are known; and it shall be lawful for the Lords of the Admiralty to give Orders for the safe Custody of such Person during Her Majesty's Pleasure, in such Place and in such Manner as they shall think fit.

Report of Proceedings of Courts-martial.

LIX. Every Judge Advocate, or Person officiating as Judge Advocate, shall transmit with as much Expedition as may be the original Proceedings and Sentence of every Court-martial attended by him to the Commander-in-Chief or senior Officer, who shall transmit them to the Secretary of the Admiralty for the Time

 being,

being, and any Person tried by a Court-martial shall be entitled, on Demand, to a Copy of such Proceedings and Sentence, at any Time not sooner than Six Months after the Trial if the same takes place in the *Mediterranean*, Three Months if at any other Naval Station within *Europe*, and Twelve Months if elsewhere, (upon Payment for the same at the Rate of Fourpence *per* Folio of Seventy-two Words,) but no such Demand shall be allowed after the Space of Three Years from the Date of the final Decision of such Court-martial.

PART V.

Penal Servitude and Prisons.

Penal Servitude.

Sentence of Penal Servitude.

LX. Whenever any Sentence of Death shall be commuted for Penal Servitude, or whenever Sentence of Penal Servitude shall be passed upon any Offender by any Court-martial, and such Sentence, or any Part thereof, is intended to be carried into effect, the Admiralty shall cause the same to be notified in Writing to any Justice of the Queen's Bench, Common Pleas, or Baron of the Exchequer, and thereupon such Justice or Baron shall make an Order for the Penal Servitude of such Offender, upon the Terms and for the Time specified in such Notification, and shall do all such other Acts consequent upon such Notification as any such Justice or Baron is or may be authorized to make or do by any Statute or Statutes in force at the Time of making any such Order in relation to Penal Servitude of Offenders sentenced by Courts of Criminal Jurisdiction to Penal Servitude; and such Order and other Acts to be so made and done as aforesaid shall be obeyed and executed by such Person in whose Custody such Offender may at that Time be, and by all other Persons whom it may concern, and shall be as effectual and have all the same Consequences as any Order made under the Authority of any Statute relating to Penal Servitude with respect to any Offender in such Statute mentioned, and every Sheriff, Gaoler, Keeper, Governor, or Superintendent whom it may concern, and all Constables and other Persons, shall be bound to obey the aforesaid Order and Orders, and be assistant in the Execution thereof, and be liable to the same Punishment for Disobedience to or for interrupting the Execution of such Order as they would be if the same had been made under the Authority of any such Statute; and every Person so ordered to be kept in Penal Servitude shall be subject to all the Penalties and Provisions made by Law, and in force for the Time being, concerning Persons under Sentence of Penal Servitude, or receiving Her Majesty's Pardon on Condition of Penal Servitude; and from the Time when such Order of Penal Servitude is made, every

every Law in force touching the Escape of Felons, or their afterwards returning or being at large without Leave, shall apply to such Offender, and to all Persons aiding, abetting, contriving, or assisting in any Escape or intended Escape, or the returning without Leave of any such Offender; and the Judge or Baron who makes an Order for Penal Servitude as aforesaid shall direct the Notification of the Admiralty, and his own Order made thereupon, to be filed and kept of Record in the Office of the Clerk of the Crown of the Court of Queen's Bench, and the said Clerk shall have a Fee of Two Shillings and Sixpence only for filing the same, and shall, on Application, deliver a Certificate in Writing (not taking more than Two Shillings and Sixpence for the same) to such Offender, or to any Person applying in his or the Admiralty's Behalf, showing the Christian and Surname of such Offender, his Offence, the Place where the Court was held before which he was convicted, the Sentence, and the Conditions on which the Order of Penal Servitude was made, and such Certificate shall be sufficient Proof of the Conviction and of the Sentence of such Offender, and also of the Terms on which such Order for his Penal Servitude was made, in any Court and in any Proceeding wherein it may be necessary to inquire into the same.

Disposal of Offender after Sentence of Penal Servitude.

LXI. When any Sentence of Death shall have been commuted for Penal Servitude, or when any Person subject to this Act shall have been condemned to Penal Servitude, it shall be lawful for the Admiralty, or the Commanding Officer of the Ship to which such Person belongs or has belonged, to cause him to be detained and conveyed to any One of Her Majesty's Ships, or any Gaol or Prison, there to remain in safe Custody until he is removed therefrom by due Authority, under an Order for his Penal Servitude, to be made by some Justice of the Queen's Bench or Common Pleas or Baron of the Exchequer as aforesaid, and a Certificate of his Sentence (such Certificate to be signed by the Secretary of the Admiralty or such Commanding Officer) shall be a sufficient Authority to the Commanding Officer of the Ship to which he may be sent, or to the Governor, Keeper, or Superintendent of the Gaol or Prison, to receive and detain him.

Subsistence of Offender.

LXII. In case any such Offender shall be conveyed to any Prison, not being a Naval Prison appointed by virtue of this Act, an Allowance such as the Admiralty shall from Time to Time direct shall be made to the Governor, Keeper, or Superintendent of the Gaol or Prison, for the Subsistence of such Offender during his Detention therein, and such Allowance shall be paid by Order of the Admiralty, upon Production by the said Governor, Keeper, or Superintendent

Superintendent of a Declaration, to be made by him before One of Her Majesty's Justices of the Peace of such County, of the Number of Days during which the Offender has been so detained and subsisted in such Gaol or Prison.

Imprisonment of Offender already under Sentence for previous Offence.

LXIII. Whenever Sentence shall be passed by a Court-martial on an Offender already under Sentence either of Imprisonment or of Penal Servitude, passed upon him by a Court-martial for a former Offence, the Court may award Sentence of Imprisonment or Penal Servitude for the Offence for which he is under Trial to commence at the Expiration of the Imprisonment or Penal Servitude to which he has been previously sentenced, although the aggregate of the Terms of Imprisonment or Penal Servitude may exceed the Term for which either of those Punishments could be otherwise awarded.

Prisons.

Term and Place of Imprisonment.

LXIV. Every Term of Penal Servitude or of Imprisonment in pursuance of this Act shall be reckoned as commencing on the Day on which the Sentence was awarded, and the Place of Imprisonment, whether the Imprisonment was awarded as an original or as a commuted Punishment, shall be such Place as may be appointed by the Court or the Commanding Officer awarding the Punishment, or which may from Time to Time be appointed by the Admiralty, and may be One of the Naval Prisons appointed under this Act, or any Common Gaol within Her Majesty's Dominions.

Place of Imprisonment may be changed, &c.

LXV. Whenever it is deemed expedient it shall be lawful for the Admiralty, by any Order in Writing, from Time to Time to change the Place of Confinement of any Offender imprisoned or sentenced to be imprisoned in pursuance of this Act, and the Gaoler or other Person having the Custody of such Offender shall immediately on the Receipt of such Order remove such Offender to the Gaol, Prison, or House of Correction mentioned in the said Order; and every Gaoler or Keeper of such last-mentioned Prison, Gaol, or House of Correction shall, upon being furnished with a Copy of such Order of Removal, attested by the Secretary of the Admiralty for the Time being, receive into his Custody and shall confine pursuant to such Sentence or Order every such Offender.

Expenses of Removal or Subsistence of Prisoners.

LXVI. The Gaoler or other Person removing any Offender in pursuance of such Order shall be allowed for the Charges of such Removal a Sum not exceeding One Shilling a Mile, and when any Offender is not confined in a Naval Prison the Gaoler or other Person in whose Custody any such Offender may be shall receive such an Allowance as the Admiralty shall from Time to Time direct

direct for every Day that such Offender is in his Custody, to be applied towards his Subsistence, and such Sum shall be paid to the said Gaoler or other Person under the Authority of the Admiralty, upon the Application in Writing made to the Secretary of the Admiralty by any Justice for the County or Place in which such Gaol, Prison, or House of Correction shall be situate, with a Copy of the Sentence or Order under which the Prisoner is confined.

Proviso for Discharge or Removal of Prisoners.

LXVII. Whenever any Prisoner is undergoing Imprisonment in pursuance of this Act, it shall be lawful for the Admiralty, or where an Offender has been imprisoned by Order of his Commanding Officer, for such Commanding Officer, to give an Order in Writing directing that the Prisoner be discharged; and it shall also be lawful for the Admiralty and any Officer commanding any of Her Majesty's Ships, by Order in Writing, to direct that any such Prisoner be delivered over to Naval Custody for the Purpose of being brought before a Court-martial, either as a Witness, or for Trial or otherwise, and such Prisoner shall accordingly, on the Production of any such Order, be discharged, or be delivered over to such Custody.

Proviso as to Time of Detention in Naval Custody.

LXVIII. The Time during which any Prisoner under Sentence of Imprisonment is detained in Naval Custody shall be reckoned as Imprisonment under his Sentence, for whatever Purpose such Detention takes place; and the Governor, Gaoler, Keeper, or Superintendent who shall deliver over any such Prisoner shall again receive him from Naval Custody, so that he may undergo the Remainder of his Punishment.

In case of Insanity Prisoners to be removed to some Lunatic Asylum.

LXIX. If any Person imprisoned by virtue of this Act shall become insane, and a Certificate to that Effect shall be given by Two Physicians or Surgeons, the Admiralty may, by Warrant, direct the Removal of such Person to such Lunatic Asylum or other proper Receptacle for insane Persons in the United Kingdom as they may judge proper, for the unexpired Term of his Imprisonment; and if any such Person shall in the same Manner be certified to be again of sound Mind, the Admiralty may issue a Warrant for his being removed to such Prison or Place of Confinement as may be deemed expedient, to undergo the Remainder of his Punishment, and every Gaoler or Keeper of any Prison, Gaol, or House of Correction shall receive him accordingly.

Admiralty may set apart Buildings and Ships as

LXX. The Admiralty may set apart any Buildings or Vessels, or any Parts thereof, as Naval Prisons, and any Buildings or Vessels, or Parts of Buildings or Vessels, so set apart, shall be deemed

Naval Prisons.

deemed to be Naval Prisons within the Meaning of this Act, and all Powers and Authorities with respect to County Gaols or Houses of Correction, which now are or which may hereafter be vested in any of Her Majesty's Principal Secretaries of State, shall, with respect to all such Naval Prisons, belong to the Admiralty; and it shall be lawful for the Admiralty from Time to Time to make, alter, and repeal Regulations for the Government and Superintendence of any such Naval Prison, and of the Officers and Servants thereof, and of Offenders confined therein, and from Time to Time to appoint Inspectors and all other necessary Officers and Servants for any such Naval Prison, and, as Occasion may arise, to remove the Inspectors, Officers, or Servants of any such Naval Prison; and the senior Officer at any Port or Place or on any Station where there may be any such Naval Prison, or such senior Officer and such other Person and Persons as the Admiralty may from Time to Time appoint, shall be a Visitor or Visitors of such Prison; and every Inspector, Visitor, or Officer, having the Charge or Command of any such Naval Prison respectively, shall, subject to such Rules and Regulations as may from Time to Time be made as aforesaid, have and exercise, in respect of such Prison, and of the Officers and Servants thereof, and of the Prisoners confined therein, all the Powers and Authorities, as well in respect of administering Oaths as otherwise, which any Inspector, Visiting Justice, or Governor of a County Gaol or House of Correction may respectively exercise as such.

Penalties on aiding Escape or Attempt to escape of Prisoners, and on Breach of Prison Regulations.

LXXI. If any Person shall convey or cause to be conveyed into any such Naval Prison any Arms, Tools, or Instruments, or any Mask or other Disguise to facilitate the Escape of any Prisoner, or by any Means whatever shall aid any Prisoner to escape or in an Attempt to escape from such Prison, whether an Escape be actually made or not, such Person shall be deemed guilty of Felony, and upon being convicted thereof shall be imprisoned, with or without Hard Labour, for any Term not exceeding Two Years, or suffer Penal Servitude for any Term not exceeding Fourteen Years; and if any Person shall bring or attempt to bring into such Prison, in contravention of the Rules, any spirituous or fermented Liquor, he shall for every such Offence be liable to a Penalty not exceeding Twenty Pounds and not less than Ten Pounds; and if any Person shall bring into such Prison, or to or for any Prisoner, without the Knowledge of the Officer having Charge or Command thereof, any Money, Clothing, Provisions, Tobacco, Letters, Papers, or other Articles not allowed by the Rules of the Prison to be in the Possession of a Prisoner, or shall throw into the said Prison any such Articles, or by Desire of any Prisoner, without the Sanction of the said Officer, shall carry out of the Prison any of the Articles aforesaid,

said, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds; and if any Person shall interrupt any Officer of such Prison in the Execution of his Duty, or shall aid or excite any Person to assault, resist, or interrupt any such Officer, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds, or if the Offender be a Prisoner, he shall, upon Conviction thereof by a Board of not less than Three of the Visitors of the Prison, be liable to be sentenced for every such Offence to be imprisoned, either with or without Hard Labour, and with or without Solitary Confinement, for any Time not exceeding Six Calendar Months, in addition to so much of the Time for which he was originally sentenced as may be then unexpired.

LXXII. Every Governor, Gaoler, and Keeper of any Prison, Gaol, or House of Correction, and every Officer having the Charge or Command of any Place, Ship, or Vessel for Imprisonment, who shall, without lawful Excuse, refuse or neglect to receive or confine, remove, discharge, or deliver up any Offender against the Provisions of this Act or any of them, shall incur for every such Refusal or Neglect a Penalty not exceeding One hundred Pounds, to be recovered in a summary Manner. Penalty as regards Gaolers, &c.

LXXIII. During the Imprisonment of any Person in pursuance of this Act all Pay and Wages of the Prisoner shall be suspended and stopped. Pay of Offenders to be stopped during Imprisonment, &c.

PART VI.

Supplemental Provisions.

LXXIV. This Act may be cited for all Purposes as "The Naval Discipline Act, 1860." Short Title of Act.

LXXV. This Act shall commence on the First Day of *April* One thousand eight hundred and sixty-one. Commencement of Act.

LXXVI. In the Construction of this Act, unless there be something in the Context or Subject Matter repugnant to or inconsistent with such Construction— Definition Clause.

"Admiralty," or "the Lords of the Admiralty," shall mean the Lord High Admiral for the Time being of the United Kingdom of *Great Britain* and *Ireland*, and when there shall be no such Lord High Admiral in Office, any Two or more of the Commissioners for executing the Office of Lord High Admiral of the United Kingdom: "Admiralty."

"Officer"

"Officer"

"Superior Officer."

"Officer" shall mean an Officer belonging to One of Her Majesty's Ships, and shall include a subordinate and a Warrant Officer, but shall not extend to Petty and Non-commissioned Officers:

When the Words "Superior Officer" are used in this Act they shall be held to include all Officers, including Petty and Non-commissioned Officers.

Persons subject to this Act.

LXXVII. Every Person in or belonging to Her Majesty's Navy, and borne on the Books of any One of Her Majesty's Ships in Commission, shall be subject to this Act; and all other Persons hereby made liable thereto, and all Spies, shall be triable and punishable under the Provisions of this Act.

Land Forces embarked as Passengers.

LXXVIII. Her Majesty's Land Forces, when embarked on board any of Her Majesty's Ships, shall be subject to the Provisions of this Act, to such Extent and under such Regulations as Her Majesty, Her Heirs and Successors, by any Order or Orders in Council, shall at any Time or Times direct.

Other Persons embarked as Passengers.

LXXIX. All other Persons ordered to be received or being Passengers on board any of Her Majesty's Ships shall be deemed to be Persons subject to this Act, under such Regulations as the Admiralty may from Time to Time direct.

Crews of Ships lost or destroyed.

LXXX. When any One of Her Majesty's Ships shall be wrecked or lost or destroyed, or taken by the Enemy, such Ship shall, for the Purposes of this Act, be deemed to remain in Commission until her Crew shall be regularly removed into some other of Her Majesty's Ships of War, or until a Court-martial shall have been held, pursuant to the Custom of the Navy in such Cases, to inquire into the Cause of the Wreck, Loss, Destruction, or Capture of the said Ship.

All the Officers and Crew of lost Ship may be tried by One Court,

LXXXI. When no specific Charge shall be made against any Officer or Seamen for or in respect or in consequence of such Wreck, Loss, Destruction, or Capture, it shall be lawful to try all the Officers and Crew or all the surviving Officers and Crew of any such Ship, together, before One and the same Court, and to call upon all or any of them when upon their Trial to give Evidence on Oath or Affirmation before the Court touching all or any of the Matters then under Inquiry, but no Officer or Seaman shall be obliged to give any Evidence which may tend to criminate himself.

or by separate Courts.

LXXXII. When deemed necessary by the Admiralty, or any Officer authorized to order Courts-martial, separate Courts-martial shall be held for the Trial of some One or more of such Officers and

and Crew for or in respect or in consequence of the Wreck, Loss, Destruction, or Capture of any such Ship.

For subsequent Offence, separate Court.

LXXXIII. For any Offence or Offences committed by any Officer or Seaman, or Officers and Seamen, after the Wreck, Loss, Destruction, or Capture of any such Ship, a separate Court-martial shall be held for the Trial of such Offender or Offenders.

Pay of Crews of Ships lost or taken.

LXXXIV. When any Ship of Her Majesty shall be wrecked, lost, or otherwise destroyed, or taken by the Enemy, if it shall appear by the Sentence of a Court-martial that the Crews of such Ship did, in the Case of a Ship wrecked or lost, do their utmost to save or get her off, and in the Case of a Ship taken by the Enemy do their utmost to defend themselves, and that they have, since the Wreck, Destruction, Loss, or Capture of such Ship, behaved themselves well, and been obedient to their Officers, then all the Pay of such Crews or of such Portions of such Crews as have behaved themselves well, and been obedient to their Officers, shall be continued until the Time of their being discharged or removed into other Ships of Her Majesty, or dying.

When Ship of senior Officer is lost he may dispose of Officers and Crew of lost Ship.

LXXXV. If the Ship of any Officer ordered to command any Two or more of Her Majesty's Ships shall be wrecked, lost, or otherwise destroyed, such Officer shall continue in the Command of any Ship or Ships which at the Time of his Ship being wrecked, lost, or destroyed was or were under his Command, and it shall be lawful for such Officer to order the surviving Officers and Crew of the wrecked, lost, or destroyed Ship to join any other Ship under his Command, or to distribute them among the other Ships under his Command, if more than One, and such Officer shall, until he meets with some other Officer senior to himself, have the same Power and Authority in all respects as if his Ship had not been wrecked, lost, or destroyed.

PART VII.

Repeal of Acts, and Saving Clause.

Repeal of Acts and Parts of Acts.

LXXXVI. On and after the Day of the Commencement of this Act there shall be repealed the several Acts and Parts of Acts set forth in the Schedule hereto, to the Extent to which such Acts or Parts of Acts are therein expressed to be repealed.

Trial of Offences against repealed Acts.

LXXXVII. Any Person who has committed or may commit, before the Commencement of this Act, any Offence against any of the Acts or Portions of Acts hereby repealed, for which such Person has not been tried before such Day, shall be tried and punished under this Act as if such Crime or Offence had been committed against the same, but he shall not suffer any greater Punishment than he was liable to under any of the Acts or Portions of Acts hereby repealed; and any Proceedings of any Court-martial, or any other Proceedings under such Acts or Portions of Acts, which may be pending on the Day of the Commencement of this Act, shall be continued, and the Offender, if found guilty, shall be punished as if the Act against which he offended had not been repealed.

Reservation of Power of Admiralty.

LXXXVIII. Nothing in this Act shall prejudice or affect the Right of the Admiralty to discharge any Person subject to this Act from Her Majesty's Service.

Act not to supersede Authority of ordinary Courts.

LXXXIX. Nothing in this Act contained shall be deemed or taken to supersede or affect the Authority or Power of any Court or Tribunal of ordinary Civil or Criminal Jurisdiction, or any Officer thereof, in Her Majesty's Dominions, in respect of any Offence mentioned in this Act which may be punishable or cognizable by the Common or Statute Law.

The SCHEDULE to which this Act refers.

Reference to Act.	Title of Acts.	Extent of Repeal.
22 Geo. 2. c. 33. -	An Act for amending, explaining, and reducing into One Act of Parliament the Laws relating to the Government of His Majesty's Ships, Vessels, and Forces by Sea.	All such Parts of the Act as remain unrepealed at the Time of the passing of this Act.
29 Geo. 2. c. 27. -	An Act for extending the Act of the Twenty-second Year of His present Majesty (for amending, explaining, and reducing into One Act of Parliament the Laws relating to the Government of His Majesty's Ships, Vessels, and Forces by Sea,) to such Officers, Seamen, and others as shall serve on board His Majesty's Ships or Vessels employed upon the Lakes, Great Waters, or Rivers in North America.	The whole.
19 Geo. 3. c. 17. -	An Act to explain and amend an Act made in the Twenty-second Year of the Reign of His late Majesty King George the Second, intituled "An Act for amending, explaining, and reducing into One Act of Parliament the Laws relating to the Government of His Majesty's Ships, Vessels, and Forces by Sea."	The whole.
56 Geo. 3. c. 5, -	An Act to extend the Powers of an Act of the Thirty-seventh Year of His present Majesty, for enabling His Majesty more effectually to grant conditional Pardons to Persons under Sentence of Naval Courts-martial, and to regulate Imprisonment under such Sentences.	The whole.
5 & 6 Vict. c. 98. -	An Act to amend the Law concerning Prisons.	Sections 27, 28, 29.
10 & 11 Vict. c. 59. -	An Act for amending an Act, intituled "An Act for amending, explaining, and reducing into One Act of Parliament the Laws relating to the Government of His Majesty's Ships, Vessels, and Forces by Sea."	The whole.
10 & 11 Vict. c. 62. -	An Act for the Establishment of Naval Prisons, and for the Prevention of Desertion from Her Majesty's Navy.	Sections 1 to 8, both inclusive.
16 & 17 Vict. c. 69. -	An Act to make better Provision concerning the Entry and Service of Seamen, and otherwise to amend the Laws concerning Her Majesty's Navy.	Sections 13, 14, 15. 17.

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ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

***

the next Avoidance.

all Rights of Patronage or Presentation and the Residences of the Archbishop or Bishop, and such Lands necessary for the Enjoyment of such Residences as shall be attached thereto by any Scheme sanctioned by Order in Council) shall become vested absolutely in the Ecclesiastical Commissioners for *England*, for the Purposes and subject to the Provisions applicable to other Hereditaments vested in the said Commissioners.

Lands sufficient to afford the statutory Income to be secured to each See.

III. After the Lands of a See have become vested in the Commissioners as aforesaid, an Arrangement shall be made as soon as conveniently may be, and with all reasonable Despatch, for assigning to the Archbishop or Bishop of such See and his Successors, as an Endowment for the See, such of the Lands and Hereditaments then vested in the Ecclesiastical Commissioners for *England* as in the Judgment of the Estates Committee of the said Ecclesiastical Commissioners, and subject to the Approbation of such Archbishop or Bishop, may be deemed convenient to be held as such Endowment, and will secure as nearly as may be, after deducting Costs of Management, a net annual Income equal to that named for the Archbishop or Bishop of the See by any Act of Parliament or Order in Council then in force, and no more; and in the meantime, until such Endowment is so assigned, the Ecclesiastical Commissioners shall pay to the Archbishop or Bishop of the See the annual Income named for him as aforesaid, at the Times at which the same would have been payable if this Act had not been passed.

Like Arrangement may be made before next Avoidance, on Request of the Bishop.

IV. In case any Archbishop or Bishop who may have succeeded on an Avoidance happening before the passing of this Act, and having an Income named as aforesaid, signify his Willingness to accept an Endowment for his See in Lands and Hereditaments, in lieu of his Income, it shall be lawful to make the like Arrangement for that Purpose as might have been made if the Lands of the See had become vested in the Commissioners as aforesaid, and upon such Arrangement being made all the Lands, Hereditaments, and Emoluments of or belonging to the See, except such as may be assigned under such Arrangement, and such Rights of Patronage or Presentation, and Residences as aforesaid, shall become vested absolutely in the said Ecclesiastical Commissioners.

Arrangements to be revised on Avoidance.

V. On the Avoidance from Time to Time of any See, after the Assignment of an Endowment for the same, the Estates Committee of the Ecclesiastical Commissioners may, if they shall think fit, revise the Arrangement in force in relation to such Endowment, and for that Purpose inquire into the State and Productiveness of such Endowment, and if such Endowment, in the Judgment of the Committee,

Committee, will secure a net annual Income exceeding that named for the Archbishop or Bishop as aforesaid, or will not secure the full Amount of such annual Income, such Committee may report thereon to the said Ecclesiastical Commissioners, and the said Commissioners shall, if they think fit, make an Arrangement by vesting Part of the Lands and Hereditaments constituting such Endowment in the Ecclesiastical Commissioners, or by assigning Lands and Hereditaments by way of Addition to such Endowment, or by means of annual or other Payments to or by the Ecclesiastical Commissioners, as the Case may require, which may secure, in the Judgment of the said Committee, to the Archbishop or Bishop who may succeed upon that Avoidance, the net annual Income so named, or as near thereto as Circumstances will allow: Provided always, that if a Difference of Opinion as to the Value or Sufficiency of the Estates which such Committee may propose to leave or to assign to any See shall arise between the Archbishop or Bishop thereof and the said Committee, such Difference shall be settled by Arbitration before such Arrangement as is last mentioned shall be made.

Endowments to be in lieu of the fixed Income.

VI. When the Arrangement is completed under this Act for the Endowment of a See the Lands and Hereditaments thereby assigned shall be the Endowment of the See, and shall be taken in lieu of the Income intended to be secured thereby.

Arrangements, how to be made.

VII. All Arrangements for the Purposes of this Act shall be made by the Authority and in the Manner by and in which Arrangements for carrying into effect the Recommendations recited in the Act of the Session holden in the Sixth and Seventh Years of King *William* the Fourth, Chapter Seventy-seven, may now be made.

Lands assigned as Endowments, how to be leased.

VIII. No Lands assigned or secured as the Endowment of any See under this Act shall be granted by the Archbishop or Bishop otherwise than from Year to Year, or for a Term of Years in possession not exceeding Twenty-one Years, at the best annual Rent that can be reasonably gotten without Fine, the Lessee not to be made dispunishable for Waste or exempted from Liability in respect of Waste; and so that in every such Lease such or the like Covenants, Conditions, and Reservations be entered into, reserved, or contained with or for the Benefit of the Archbishop or Bishop and his Successors, as under Section One of the Act passed in the Session holden in the Fifth and Sixth Years of Her Majesty, Chapter Twenty-seven, (for better enabling the Incumbents of Ecclesiastical Benefices to demise the Lands belonging to their Benefices on Farming Leases,) are to be entered into, reserved, or contained in a Lease granted under that Enactment to or for the Benefit of the Incumbent and his Successors, or as near thereto as the

the Circumstances of the Case will permit; but where, under the said Section of the last-mentioned Act, any Consents are provided for or required, the Consent only of the Archbishop or Bishop for the Time being shall be requisite: Provided always, that it shall be lawful for the Archbishop or Bishop, with the Approval of the Estates Committee of the Ecclesiastical Commissioners, testified under the Common Seal of the said Commissioners, which the said Committee are hereby empowered to affix to any Lease for this Purpose, from Time to Time to grant Mining or Building or other Leases of any such Lands, for such Periods, for such Considerations, upon such Terms, and generally in such Manner as such Committee under the Circumstances of each Case may think fit, and it shall be lawful for such Committee to require that any Portion of the Rent reserved on any such Lease shall be payable to the said Ecclesiastical Commissioners.

Estates Committee to see that Property assigned as Endowment is kept in proper Condition.

IX. The Estates Committee shall cause the Property assigned as an Endowment for any See as aforesaid to be inspected so often as they think fit, and shall cause Notice in Writing of all Dilapidations or Want of Repair found on such Inspection, and of the Repairs or Works necessary for remedying the same, to be given to the Archbishop or Bishop of such See, and such Archbishop or Bishop shall forthwith do or cause to be done, at his or their own Expense, or at the Expense of his or their Lessees or Tenants, (as the Case may require,) the Repairs or Works mentioned in such Notice; and if any Difference arise between such Archbishop or Bishop and the Estates Committee with regard to the Condition of such Property, or the Repairs or Works required by the Estates Committee, the Matter in difference shall be referred to Arbitration as herein-after provided.

Provision for the Improvement of Lands.

X. It shall be lawful for the Estates Committee, upon the Application of any Archbishop or Bishop, to undertake or authorize any Works of permanent Improvement which such Committee may think advisable, on any Lands assigned by way of Endowment to such Archbishop or Bishop, and the Ecclesiastical Commissioners may advance out of the Common Fund the Money which may be required for the Purpose of such Works, and the Money so advanced shall be repaid, with such Interest, and at such Times, and until repaid shall be charged on such of the said Lands, as may be agreed upon by the said Committee and the said Archbishop or Bishop, and his or their Tenants interested in such Improvements.

Estates Committee, where re-

XI. The Estates Committee shall, when required by any Archbishop or Bishop to whom Lands may have been assigned as an Endowment

Endowment under this Act, undertake the Management of such Lands, and receive the Rents and Profits thereof during the Incumbency of the Archbishop or Bishop; and in every such Case as aforesaid the Estates Committee, during their Management, may grant all such Leases as might have been granted by such Archbishop or Bishop if the Lands had continued under his or their Management, and may, with the Approval of such Archbishop or Bishop, grant such other Leases as might have been granted by him or them, with the Approval of the Estates Committee; and the Commissioners shall, during the Time such Lands are under the Management of the said Estates Committee, pay to such Archbishop or Bishop the annual Income to secure which the Lands may have been assigned.

quired, to manage the Lands assigned.

XII. And whereas by the Act of the Session holden in the Third and Fourth Years of Her Majesty, Chapter One hundred and thirteen, Section Sixty-seven, it is provided, that, by Payments or Investments made out of the Common Fund of the Ecclesiastical Commissioners, or by means of an actual Conveyance and Assignment of Lands, Tithes, or other Hereditaments, vested or to be vested in them as therein mentioned, or of a Portion thereof, additional Provision shall be made by the Authority therein provided for the Cure of Souls in Parishes where such Assistance is most required; provided always, that in making any such additional Provision out of any Tithes, or any Lands or other Hereditaments allotted or assigned in lieu of Tithes so vested or to be vested in the said Commissioners, or out of the Rents and Profits thereof, due Consideration shall be had of the Wants and Circumstances of the Places in which such Tithes arise or have heretofore arisen: In making additional Provision for the Cure of Souls under the recited Enactment out of any Lands or Hereditaments whatsoever now vested or hereafter to be vested in the said Commissioners (except Lands or Hereditaments which may have been or may hereafter be bought or taken in exchange by the Commissioners, or any Estate or Interest in Lands or Hereditaments so bought or taken in exchange during the Continuance of such Estate or Interest), or out of the Rent and Profits thereof (except as aforesaid), due Consideration shall be had of the Wants and Circumstances of the Places in which such Lands or Hereditaments may be situate or arise; and the same Rule shall also be applicable, in case the Commissioners shall see fit, in favour of Places in which Lands or Hereditaments now vested or heretofore vested in the Commissioners are situated, from which the Commissioners have heretofore derived any Income.

Sect. 67. of 3 & 4 Vict. c. 113. extended to all Lands.

Provisions concerning local Claims to apply to Tithes and Lands of an Ecclesiastical Corporation having a Revenue exceeding its statutory Income.

XIII. Where any Ecclesiastical Corporation Sole is in the Receipt of an Income fixed by Act of Parliament, and the Estates of such Corporation yield an annual Income greater than the Income so fixed, it shall be incumbent on the Ecclesiastical Commissioners to make, out of any Tithes, Lands, or Hereditaments whatsoever from which such annual Income arises, or out of the Rents and Profits thereof, such Provision as may seem to them needful for the Cure of Souls in the Parish or Place in which such Tithes, Lands, or Hereditaments are situate or arise, in the same Manner and to the same Extent in and to which such Provision might be made if the said Tithes, Lands, or Hereditaments were actually vested in the Commissioners.

Preference may be given to Places where Contribution is made in aid of Grant.

XIV. In making additional Provision for the Cure of Souls under Section Sixty-seven of the said Act of the Third and Fourth Years of Her Majesty, Preference may be given, if the said Commissioners see fit, to those Places in respect of which Contributions from other Sources are made in aid of Grants out of the Common Fund, but this Enactment shall not prejudice the Proviso at the End of the said Section, or the last Two preceding Sections of this Act.

In Mining Districts Commissioners may make Grants for Cure of Souls.

XV. In Districts in which large Masses of Population are collected for the Purpose of working Mines, it shall be lawful for the said Commissioners, by Resolution of a General Meeting, from Time to Time to make Grants to meet Benefactions for the Purpose of making temporary Provision for the Cure of Souls.

Power to Corporations, with Approval of the Church Estates Commissioners, to sell Lands in possession, for facilitating Negotiations with Lessees.

XVI. Where it appears to the Church Estates Commissioners that Inconvenience is occasioned in the Negotiations between any Ecclesiastical Corporation, sole or aggregate, and its Lessees, (in relation to Property which it is now authorized to dispose of,) by reason of its Disability to sell or exchange intermixed or other Lands held by such Corporation in possession, or for some other Estate which it is not now authorized to dispose of, it shall be lawful for such Ecclesiastical Corporation, with the Approval in Writing of the said Church Estates Commissioners, to sell any such Lands (whether of Freehold or Copyhold or Customary Tenure), or to exchange any such Lands for other Lands or any Estate or Interest therein; and all the Provisions of the Act of the Session holden in the Fourteenth and Fifteenth Years of Her Majesty, Chapter One hundred and four, as amended by the Act of the Session holden in the Seventeenth and Eighteenth Years of Her Majesty, Chapter One hundred and sixteen, and this Act, authorizing the receiving or paying of Money by way of Equality of Exchange, and concerning the Payment, Application, and

and Investment of any Money payable to or for the Benefit of any such Corporation on any such Sale, Exchange, or Enfranchisement as is mentioned in the said Act of the Fourteenth and Fifteenth Years of Her Majesty, and all other the Provisions of the said Acts in anywise applicable for effectuating any such Sale, Exchange, or Enfranchisement, or in consequence thereof, shall, so far as the Nature of the Case may require, extend and be applicable to and in consequence of any Sale or Exchange authorized by this Act.

Sanction under usually renewed for the Purposes of Schools may be conveyed absolutely without Payment.

XVII. Where it appears to the Church Estates Commissioners that any such Ecclesiastical Corporation has been accustomed to renew without Payment of any Fine, or for a nominal Fine, the Lease of any Lands used for the Purposes of a School, or the Support or Maintenance thereof, it shall be lawful for such Corporation, with the Approval in Writing of the Church Estates Commissioners, or where the Lands have become vested in the Ecclesiastical Commissioners, for such Commissioners, to convey to the Trustees or other Persons to whom a Renewal of such Lease might have been granted in trust for the Purposes of such School all or any Part of such Lands, for the whole Estate of such Corporation therein, without requiring the Payment of any Consideration for the same; and every Conveyance in pursuance of this Provision shall be made and confirmed as provided by Section Five of the said Act of the Fourteenth and Fifteenth Years of Her Majesty with reference to such Conveyances as therein mentioned.

When Ecclesiastical Corporations have been accustomed to renew Leases, Lands may be conveyed by such Corporations without Consideration.

XVIII. When any Ecclesiastical Corporation, previous to the passing of this Act, has been accustomed to grant or renew, without Payment of any Fine, or for a nominal Fine, the Lease of any Lands, Tenements, Tithe Rentcharges, or other Hereditaments, for the Endowment, either in whole or part, of the Incumbent of any Parish or Chapelry, the whole Estate of such Ecclesiastical Corporation in such Lands, Tenements, Tithe Rentcharges, or other Hereditaments, heretofore held by such Lease, may, with the Consent of the Ecclesiastical Commissioners, under their Common Seal, be lawfully conveyed by such Corporation to the Incumbent to whom a Renewal of such Lease might have been granted, without such Corporation requiring the Payment of any valuable Consideration for such Conveyance.

When Ecclesiastical Corporation has been accustomed

XIX. When any Ecclesiastical Corporation, previous to the passing of this Act, has been accustomed to reserve any annual Rent or other Payments in any Lease granted or renewed by them for

to reserve Rent the whole Estates may be conveyed to Incumbent without Consideration.

for the Endowment, either in whole or part, of the Incumbent of any Parish or Chapelry, the whole Estate of such Ecclesiastical Corporation, in such annual Rents or other Payments heretofore granted and reserved as aforesaid, may, with the Consent of the Ecclesiastical Commissioners, under their Common Seal, be lawfully conveyed to the Incumbent for whom they are at present reserved, without such Corporation requiring any valuable Consideration for the Conveyance of such Estate.

Trustees and others having Power to raise Money for Renewals may raise Money for Enfranchisements.

XX. In any Case in which any Estate or Interest under any Lease or Grant made by any such Ecclesiastical Corporation may be vested in any Person or Persons as a Trustee or Trustees, whether expressly or by Implication of Law, with Power to raise Money for the Purpose of procuring a Renewal of such Lease or Grant, and in every other Case in which a Power is vested in any Person or Persons for that Purpose, it shall be lawful for such Person or Persons to raise Money for the Purpose of purchasing the Reversion of or otherwise enfranchising the Property comprised in such Lease or Grant, and to apply the same accordingly, in the same Manner, and subject to the same Conditions, *mutatis mutandis*, so far as the same may be applicable to the Case, as such Person or Persons might by virtue of such Power have raised Money for the Purpose of renewing such Lease or Grant and have applied the same accordingly.

In estimating Value of 21 Years Leases, an Extension to 1st August 1884 to be allowed.

XXI. In estimating, for the Purposes of any Sale, Purchase, or Exchange under the said Acts of the Fourteenth and Fifteenth Years and Seventeenth and Eighteenth Years of Her Majesty, and this Act, or any of them, the Value of the Estate or Interest of any Lessee of any Lands holden of any Archbishop or Bishop, or of the Ecclesiastical Commissioners, under any Lease granted for a Term of Twenty-one Years, an Extension of the unexpired Term to the Eleventh Day of *October* One thousand eight hundred and eighty-four at the accustomed Rate of Fine shall, as a Rule, be allowed, and a like Extension, at the accustomed Rate of Fine, shall, for the Purposes of Sale, Purchase, or Exchange, be allowed in the Case of any Lease for Lives, the Extent and Value of which shall be computed by Arbitrators in default of an Agreement between the Parties to be less than the Extent and Value of a Term ending on the said Eleventh Day of *October* One thousand eight hundred and eighty-four.

In estimating the Value of Mining Leases an

XXII. The said Ecclesiastical Commissioners or any Ecclesiastical Corporation, aggregate or sole, in carrying out the Powers of leasing Mines and Minerals vested in them, shall in the granting to the Lessees

Lessees of Mines and Minerals holden of the Ecclesiastical Commissioners or any Ecclesiastical Corporation, aggregate or sole, whether for Years or for Lives, an extended Term or Estate therein, and fixing the Terms of such Grant, have regard to the Value of the Estate and Interest of the Lessees of all such Mines and Minerals under any Lease or Leases heretofore ordinarily renewable on the Payment of a Fine, and shall as a Rule, in computing such Value, estimate and include an Extension of the existing unexpired Term or Estate of the Lessees to the Eleventh Day of *October* One thousand eight hundred and eighty-four, at the accustomed Rate of Fine; and in the Case of such of the said Leases for Lives as, according to the Expectancy of Human Life, according to the Life Tables which are appended to the Twelth Annual Report of the Registrar General of Births, Deaths, and Marriages in *England*, would not determine until after the said Eleventh Day of *October* One thousand eight hundred and eighty-four, shall have regard to the actual Value of the Estate and Interest of the Lessees.

Extension to 1884 to be allowed.

XXIII. In case any such Lessees shall require any extended Term in such Mines and Minerals to be granted to them, and any Difference shall arise between the said Ecclesiastical Commissioners or other Ecclesiastical Corporation and such Lessees thereupon, or as to the Value so to be estimated, or as to the Rents to be reserved, or the Term of Years to be granted, or other the Terms and Conditions on which such Lease for any extended Term or Estate shall be granted, it shall be lawful for either Party to require the other Party to join in referring to Arbitration the Matter or Matters so in difference, and the same shall be referred to Arbitration.

Differences between Mining Lessees and Lessors to be referred to Arbitration.

XXIV. In any Case where a Treaty shall have been or shall be entered into under the said Acts of the Fourteenth and Fifteenth Years and Seventeenth and Eighteenth Years of Her Majesty, and this Act, or any of them, for any Sale, Exchange, or Purchase, it shall be lawful for either Party to require the other Party to join in referring to Arbitration the Finding of the annual Value of the Property comprised in the Lease or Grant, and of the Value of the Fee Simple, and when such Values have been found it shall be binding on both Parties, if either Party require to proceed to such Sale, Exchange, or Purchase, on Terms to be computed according to such Finding: Provided always, that whenever the Ecclesiastical Commissioners shall decline to enter into a Treaty with a Lessee for either the Sale of the Reversion or the Purchase of the Term of or in the Lands held by such Lessee, it shall nevertheless be lawful for such Lessee, at any Time within Two Years after the said Commissioners shall have so declined to treat, to require that his

Upon Treaty for Sale, &c. either Party may require Reference to Arbitration.

his Estate and Interest therein shall be purchased by the Ecclesiastical Commissioners so declining to treat as aforesaid, and that the Value of such Estate and Interest shall be ascertained by such Methods and with such Extension of the unexpired Term on his said Lease as are by this Act provided in respect of other Leaseholds.

Rules to be observed in Valuation as to Rate of Interest, &c.

XXV. Provided always, That under any Arbitration under the said Act of the Seventeenth and Eighteenth Years of Her Majesty, or this Act, where any Lease shall relate to Lands (except Building Ground or Houses), the beneficial Interest of the Lessee shall be valued at the same Rate of Interest at which the Value of the Fee Simple has been determined; and where such Lease shall relate to Houses or to Building Ground, it shall be lawful for the Arbitrator or Arbitrators or Umpire, as the Case may be, simply to find the gross Sum to be paid for such Sale or Enfranchisement, in such Manner as he or they may deem just; provided also, that regard shall be had to any Consideration given to the Lessee by this Act on account of the long-continued Practice of Renewal; provided further, that in the Case of Houses the Umpire shall, notwithstanding anything in the last-mentioned Act or this Act contained, be appointed by Her Majesty's Principal Secretary of State for the Home Department.

Provision as to Under-lessees bound to contribute to Expenses of Renewals.

XXVI. Where Persons holding Under-leases under the Lessee of any Ecclesiastical Corporation may, either before or after the passing of this Act, be under Obligation to pay or contribute to the Fines and Expenses of Renewal, and such Lessee is unable to obtain a Renewal of his Lease, but the Under-lessees are, by reason of the Purchase of the Reversion or other Arrangement made by such Lessee with the Ecclesiastical Commissioners, secured in the Enjoyment of the full Terms which might have been secured to them by means of such Renewal, or shall be otherwise sufficiently indemnified from all Loss which might be occasioned by Want of such Renewal, the Persons holding such Under-leases shall pay to such Lessee such gross Sums of Money or such additional yearly Rents during the unexpired Residues of such Terms as may be a just Equivalent for the Exemption from the Expenses of such Renewal; and where any such Under-lessee has under-leased, and his Under-lessees are under like Obligation to contribute to the Expenses of such Renewal, they shall pay to their Under-lessor such gross Sums of Money or such additional yearly Rents during the unexpired Residue of their Terms as may be a just Equivalent for such Exemption as aforesaid; and the Payments to be made in each Case, and the Nature and Sufficiency of the Indemnity (if any) to be given, shall, in case the Parties differ about the same, be referred to Arbitration.

XXVII. And

XXVII. And whereas considerable Portions of the Lands and Houses holden by Lessees of Ecclesiastical Corporations which may be dealt with under the Provisions of this Act are by such Lessees granted to Under-lessees, with the Right of Renewal in case of the Renewal of the original Lease, and again sub-demised by such Under-lessees to Persons holding under them with a similar Right of Renewal: That all such Under-lessees and Persons having such Right of Renewal shall have and enjoy, according to their respective Estates and Interest in such Lands and Houses, the Benefit of the Provisions contained in this Act for the Protection of the Lessees.

Under-lessees having Right of Renewal to enjoy Benefits of this Act for Protection of Lessees.

XXVIII. The Powers and Provisions contained in the Section Two of the said Act of the Fourteenth and Fifteenth Years of Her Majesty, and the Section Two of the said Act of the Seventeenth and Eighteenth Years of Her Majesty, shall extend to authorize the Apportionment of Fines certain and Heriots, and also to authorize the Substitution of Money Payments in lieu of Heriots, and the Apportionment of such Money Payments, and shall be applicable as well to Cases under those Acts as to Cases under this Act; and the Powers and Provisions so extended shall apply to all Cases of the Surrender, Conveyance, or Assignment to or in trust for the said Ecclesiastical Commissioners of the Estate or Interest in a Part only of the Lands comprised in any Lease, Grant, or Copy, the Reversionary or Freehold Estate in which is or shall be vested in the said Ecclesiastical Commissioners, and also to all Cases of the Sale, Exchange, or Enfranchisement by the said Ecclesiastical Commissioners of a Part only of the Lands comprised in any such Lease, Grant, or Copy; and the Enfranchisement or Surrender under the said Acts or either of them, or this Act, of a Part only of any Copyhold or Customary Lands held under a Grant or Copy, shall not affect, in other respects than the Apportionment of the Rents, Fines, and Heriots, any Custom by or under which the Remainder of the Land comprised in such Grant or Copy is held, or the demiseable Quality of the Remainder of such Land.

Extending Powers of Apportionment of Rent, under Sect. 2. of 14 & 15 Vict. c. 104. and Sect. 2. of 17 & 18 Vict. c. 116. on Surrender, Sale, or Exchange of Part of Lands comprised in Lease held under the Ecclesiastical Commissioners.

XXIX. In every Case in which under any Contract by the Ecclesiastical Commissioners or any such Corporation with any Lessee or Grantee holding Land under the Ecclesiastical Commissioners or such Corporation by any Lease for Lives or Years, or Copyhold or Customary Grant, for the Purchase or receiving in Exchange or Partition by the Ecclesiastical Commissioners or such Corporation of any Land comprised in such Lease or Grant, any Sum of Money is agreed to be paid by the said Ecclesiastical Commissioners or such Corporation, and in which the Lessee or Grantee shall fail or declare himself unable to make a marketable Title to or an effectual Assurance of such Land to the said Ecclesiastical Commissioners or such Corporation,

Sums of Money agreed to be paid by Ecclesiastical Commissioners may, on Failure of Lessee or Grantee to make marketable Title to or Assurance of Land, be paid into Bank of England.

Corporation, such Sum of Money may, with the Consent of such Lessee or Grantee, be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery to an Account in the Matter of "An Act" [*Title of this Act*], to the Credit of the Parties interested in such Land, and be disposed of in like Manner as is directed by "The Lands Clauses Consolidation Act, 1845," with respect to Purchase Moneys in the Case of Parties neglecting or failing to make out satisfactory Titles; and upon the Execution of an Assignment, Surrender, or other Assurance by the Person for the Time being the Party in possession or receipt of the Rents and Profits of the Land so agreed to be sold or conveyed in Exchange unto or in trust for the Ecclesiastical Commissioners or such Corporation, all the Estate and Interest in such Land in respect whereof such Money shall have been paid shall vest absolutely in the said Ecclesiastical Commissioners or Corporation, or other Person to whom the same shall be expressed to be assured.

Provision for Release of Rentcharge granted to Commissioners by way of Endowment of Church or Chapel.

XXX. It shall be lawful for the Commissioners, if they shall think fit, to release any Rentcharge granted or transferred to them by way of Endowment of any Church or Chapel, in consideration of the Transfer into their Names of a Sum in the Three *per Centum* Consolidated Bank Annuities, producing Dividends equal in Amount to such Rentcharge; and also, if they shall think fit, to release any Part or Parts of the Lands out of which any such Rentcharge is issuing from the Payment thereof without any Consideration, provided the Residue of such Lands shall in their Judgment be sufficient Security for such Rentcharge, and in such Case the Rentcharge shall be wholly chargeable on and issuing out of such Residue of the Lands.

Rights and Obligations under special Acts preserved.

XXXI. Where any Estate now or heretofore of any Ecclesiastical Corporation is subject to any special Act of Parliament providing for the perpetual Renewal of the Lease or Leases thereof, or for the Leasing or the Management of such Estate, or creating or imposing any Rights, Remedies, or Obligations with reference to such Estate, the Rights of Renewal, and other the Rights and Obligations under such special Act, shall not be affected by this Act or by the Transfer of such Estate to the Commissioners, but such special Act, and any Leases, Contracts, Under-leases, Enfranchisements, and Instruments already or hereafter to be made, entered into, or executed thereunder, shall be construed so that by virtue of the Act of Parliament or other Authority under which the Estate shall have been transferred to or vested in the Commissioners, the same Leases, Contracts, Under-leases, Enfranchisements, and Instruments may operate and have Effect as if the Commissioners, as to such Part of the Estate as for the Time

Time being shall be vested in them, and their respective Assigns as to each such several Part thereof as shall be vested in them respectively, were therein substituted for the Ecclesiastical Corporation whose Estate has been or shall be so transferred or have become so vested; and such special Act, Leases, Contracts, Under-leases, Enfranchisements, and Instruments shall be construed as if such Commissioners or their respective Assigns, as regards the Portion of the Estate vested in them respectively, were named or referred to therein instead of the Corporation named or referred to therein; and the Seal of such Commissioners shall be in every Case as regards the Estate or Part of an Estate for the Time being vested in them, and the Sealing and Delivery by any Assignee shall be in every Case as regards the Estate or Part of an Estate for the Time being vested in him, as effectual as the Signature or Seal, or Signature and Seal, as the Case may be, of the Corporation whose Estate has been or shall be so transferred or become so vested.

Power of Partition of Estates held under special Acts, &c.

XXXII. Whenever any Property shall be vested in the Ecclesiastical Commissioners jointly or in common with any other Person, or subject to any Estate or Interest vested in any other Person, either under any special Act of Parliament or any Lease or Grant, and such Person shall be a Trustee of the Estate or Interest vested in him or them, it shall be lawful for such Trustee, in every Case in which he shall expressly or by Implication of Law have a Power of Sale, with such Consents only (if any) as may be requisite to such Sale, to concur with the said Ecclesiastical Commissioners, and also to and for the said Ecclesiastical Commissioners, under an Arrangement to be made in manner herein provided, to concur with such Trustee as aforesaid in making Partition of such Property so as to vest in the said Commissioners in Severalty in Fee, discharged from all Rights, Titles, and Trusts affecting the Estate or Interest of such Trustee, such Portion of the said Property as shall, under all the Circumstances of the Case, be a just and fair Equivalent for the Interest of the said Commissioners in the whole of such Estate, and in any Payments or Reservations payable to them thereout, and so as to vest in such Trustee in Severalty in Fee such remaining Portion of such Estate as shall in like Manner be a just and fair Equivalent for the Interest in the whole Estate of all other Parties besides the said Commissioners; and the Portions of such Estate to be vested in the said Commissioners and Trustee respectively in Severalty as aforesaid shall be ascertained by Arbitration as herein provided.

Substitution of Titles on Exchange or Partition.

XXXIII. Every Exchange or Partition which shall be made under the Provisions of the said Acts of the Fourteenth and Fifteenth and of

of the Seventeenth and Eighteenth Years of Her Majesty, of this Act, or any of them, shall be valid and effectual in the Law to all Intents and Purposes whatsoever, and shall be in nowise liable to be impeached by reason of any Infirmity of Estate or Defect of Title of any of the Parties to such Exchange or Partition; and the Land expressed to be conveyed to or vested in any Corporation or Person under such Exchange or Partition shall henceforth be subject only to the same Uses, Limitations, Charges, and Equities as previously affected the Land in lieu or in respect of which the same was conveyed or vested by way of Substitution, or as near thereto as, regard being had to the different Natures or Tenures of the Interests acquired under such Exchange or Partition, and the relative Rights and Equities of Parties, and the Circumstances of the Case, will admit or may require.

Providing for the Transfer of the Paddington Estate.

XXXIV. When the Reversion in Fee in the Lands and Hereditaments at *Paddington* in the County of *Middlesex*, Part of the Possessions of the See of *London* (commonly called the *Paddington* Estate) now vested in the Bishop of *London*, subject to the Provisions of a Private Act of Parliament passed in the Sixth Year of His Majesty King *George* the Fourth, Chapter Forty-five, and the several Acts therein recited, shall be vested in the said Ecclesiastical Commissioners, either under the Provisions of this Act or of any of the Acts relating to the said Ecclesiastical Commissioners, the same shall become vested in them subject to the several Powers and Obligations created by the said Private Act and the Acts therein recited, which Powers and Obligations shall be exerciseable by and binding upon the said Commissioners while the said Reversion shall remain vested in them, in the same Manner as if the said Commissioners were named in the said Acts instead of the said Bishop, and as if the Common Seal of the said Commissioners had been thereby required or referred to instead of the Hand or Signature of the said Bishop; and the said Reversion shall continue to be so vested in the said Commissioners until a special Scheme, to be prepared by the said Commissioners, for the Purpose of transferring, disposing of, or managing the same, shall be approved of by Her Majesty in Council, Notice of which Scheme shall be inserted and published in the *London Gazette* One Calendar Month at least previously to the same being so approved; and in such Scheme there shall be inserted such Provisions as shall be deemed proper for the Preservation and future Exercise and Fulfilment of the said Powers and Obligations, with such Alterations or Modifications (if any) as, having regard to the Change of Circumstances, may be deemed necessary; and such Scheme, when so approved, shall have the Force of an Act of Parliament.

XXXV. And

XXXV. And whereas in some Cases Leases or Grants made by Ecclesiastical Corporations are in Settlement, or held in trust, without Power to raise Money for Renewals, or the Manner prescribed for raising Money for Renewals may not be applicable for raising the Money required for Purchase or Enfranchisement: It shall be lawful for any Person or Persons being a Trustee or Trustees, expressly or by Implication of Law, of any such Lease or Grant, or any Person being under any Will or other Settlement in the actual Possession or Receipt of the Rents and Profits of the Lands comprised in such Lease or Grant, upon purchasing the Reversion or otherwise procuring the Enfranchisement of such Lands, to charge such Lands (or where the whole thereof is settled to the same Uses, Trusts, or Purposes, any Part thereof, exclusively of the Residue thereof,) with the Payment to any Person advancing any Money paid for such Purchase or Enfranchisement, and for the Expenses incident to such Purchase or Enfranchisement, or for either of those Purposes, of the Money so advanced, with Interest thereon at a Rate not exceeding Five Pounds *per Centum per Annum*, and to convey or cause to be conveyed such Lands by way of Mortgage for securing such Payment accordingly; and such Charge shall be effectual, as well on the subsisting Term or Estate under such Lease or Grant as on the Reversion or Interest acquired by such Purchase or Enfranchisement, and not only against the Person making the same, and all Persons claiming through him or for whom he may be a Trustee, but also against all Persons claiming any Estate or Interest in the same Lands through or under the same Will or Settlement, but so as not to prejudice any prior Charge or Incumbrance, Under-lease, or Tenancy affecting such Lands; and, subject and without Prejudice to such Charge and Mortgage so made as aforesaid, the Interest acquired by such Purchase or Enfranchisement shall be subject in Equity as is provided by Section Three of the said Act of the Fourteenth and Fifteenth Years of Her Majesty, concerning the Interest in Land acquired by any Lessee under that Act.

Power to Trustees and Persons having Interests to charge Enfranchisement Monies on the Lands enfranchised, &c.

XXXVI. Wherever the Estate and Interest under any such Lease or Grant may be vested in any Trustee or Trustees, either expressly or by Implication of Law, and any Monies, Stocks, Funds, or Securities for Money are vested in the same Trustees or Trustee, upon the same or like Trusts, it shall be lawful for such Trustees or Trustee, with the Consent of the Person or Persons entitled for the Time being to the beneficial Receipt of the Dividends or annual Proceeds of such Monies, Stocks, Funds, or Securities, if such Person or Persons shall be capable of giving Consent, or if there shall be no Person capable of giving Consent, or if such Consent shall be withheld, and the Trustee or Trustees shall consider such a Course essential

Wherever Estate under such Lease or Grant is vested in Trustees, and Monies are vested in same Trustees, they may raise out of such Monies sufficient for Renewal of Lease, &c.

essential to the Interest of the Parties entitled under the Settlement, then with the Sanction and Approbation of the Court of Chancery, to be obtained on Petition to the said Court, to raise out of such Monies, or by Sale of such Stocks, Funds, or Securities, a sufficient Sum for the Purpose of purchasing the Reversion of, or otherwise enfranchising, the Property comprised in such Lease or Grant, and of procuring, if necessary for the Purpose of Enfranchisement, the Renewal of such Lease or Grant, and to pay and apply the same accordingly, and all Payments and Applications of Monies, or of the Proceeds of the Sale of such Stocks, Funds, or Securities so made as aforesaid, shall be valid and binding on all Persons interested under the Trust, Will, or Settlement under or by which such Monies, Stocks, Funds, or Securities for Money may be held in trust or settled as aforesaid.

Lands in the Lease or other Lands settled to like Uses may be sold or mortgaged to raise Money for Purchase of Reversion, under Direction of the Court of Chancery.

XXXVII. Where any such Lease or Grant may be vested in any Person or Persons as a Trustee or Trustees, whether expressly or by Implication of Law, and other Lands, whether Freehold, Copyhold, or Leasehold, are vested in the same Trustees or Trustee upon the same or like Trusts, or are settled to the same Uses or Purposes, or as near thereto as the different Tenures of the Lands admit, or where any Person is under any Will or Settlement in the actual Possession or Receipt of the Rents and Profits of the Lands comprised in such Lease or Grant and of other Lands settled to like Trusts or Uses as aforesaid, it shall be lawful for such Trustees or Trustee, or such Person as aforesaid, with the Sanction and Approbation of the Court of Chancery, to be obtained on Petition to the said Court, to raise Money, either by Sale or Mortgage of all or any Part of the Property comprised in the Lease or Grant, and the other Lands, whether Freehold, Copyhold, or Leasehold, vested in such Trustee or Trustees, or settled as aforesaid, as the said Court shall direct, for the Purpose of purchasing the Reversion of or otherwise enfranchising the Property comprised in such Lease or Grant, in such Manner, and subject to such Provisions for protecting or adjusting the Equities arising under such Purchase or Enfranchisement and such Mortgage or Sale as aforesaid, as the Court shall think fit; and all Sales and Mortgages effected for the Purposes aforesaid shall be valid and binding on all Persons interested under the Trust, Will, or Settlement under which such Lands may be held in trust or settled as aforesaid.

Trustees empowered to sell Estates held under Lease.

XXXVIII. In any Case in which the Estate and Interest under any Lease or Grant made by any Ecclesiastical Corporation may be vested in any Trustee or Trustees, and such Trustee or Trustees shall not have Power to sell, it shall be lawful for such Trustee or Trustees, with the Consent in Writing of the Person or Persons entitled

entitled for the Time being to the beneficial Receipt of the Rent or annual Proceeds thereof, if such Person or Persons shall be capable of giving Consent, or if there shall be no Person capable of giving Consent, or if such Consent shall be withheld and the Trustee or Trustees shall consider a Sale essential to the Interests of Parties entitled under the Settlement, then, with the Sanction and Approbation of the Court of Chancery, to be obtained on Petition to the said Court, to sell and dispose of all or any Part of such Property; and in every such Case the Purchase Money shall be paid to such Trustee or Trustees, whose Receipt shall be a good Discharge for the same; and the Money so paid to such Trustee or Trustees shall be invested and be held by him or them upon the same Trusts, as far as the Circumstances of the Case will admit, as the Leasehold Property, if not sold, would have been subject to; and such Investment may, with the Sanction and Approbation of the Court of Chancery, be made in the Purchase of other Leasehold Estates, whether held under any Ecclesiastical Corporation or not.

Persons empowered to raise Money for Enfranchisement may give Lands in Exchange for Reversion.

XXXIX. Any Person authorized under this Act or otherwise to raise any Money for the Purchase of the Reversion of any Lease or Grant may exchange with the Corporation by which such Lease or Grant was made, or with the Ecclesiastical Commissioners, any Part of the Lands comprised in such Lease or Grant, for the Reversion, Estate, or Interest of such Corporation or the Ecclesiastical Commissioners in any other Part of the Lands comprised therein, or may exchange such Lands or any Part thereof for the Reversion, Estate, or Interest of the Corporation by which any Lease or Grant was made in any Lands comprised in any other Lease or Grant held under the same Trusts, or settled to the same Uses, Trusts, or Purposes.

Compensation to Officers of Ecclesiastical Corporations.

XL. And whereas certain Officers of Ecclesiastical Corporations will be injured by the Restriction herein-before contained on the Power of granting Leases, whereby such Officers will be deprived of the Profits arising from the Preparation of such Leases and other Instruments connected therewith: It shall be lawful for the said Ecclesiastical Commissioners, and they are hereby required, to award and pay to such Officers such Sum of Money or Annuity as may be deemed by the said Commissioners a sufficient Compensation for the Loss such Officers will from Time to Time sustain by reason of the Restriction aforesaid; provided nevertheless, that such Officers have personally discharged their own Duties.

Provision as to Arbitration.

XLI. Where by this Act it is provided that any Matter in difference shall be referred to Arbitration, or where any Difference shall arise between the Commissioners and any Body or Person touching

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the annual or other Sums of Money to be paid to any Archbishop or Bishop as herein directed, or touching the Value or Nature of the Estates proposed to be assigned as Endowment for any Archbishop or Bishop, the Matter in difference shall be referred to Two Arbitrators, One to be appointed by each Party, and all the Provisions of "The Common Law Procedure Act, 1854," applicable in the Case of such an Arbitration, shall apply accordingly; and for the Purpose of the Application of the said Act this Act shall be deemed the "Document" authorizing the Reference to Arbitration; and where any Matter is so referred, the Award of the Arbitrators or Umpire shall be final.

Extension of Patronage Exchange Powers.

XLII. It shall be lawful for any Person within the Meaning of the Term Person, as the same is interpreted by the Act Sixteenth and Seventeenth *Victoria*, Chapter Fifty, to exchange under the Provisions of the same Act any Advowson or Ecclesiastical Patronage belonging to such Person for any Advowson or Ecclesiastical Patronage belonging to any Ecclesiastical Corporation aggregate or sole, or any other Person.

Treasurer's Receipts to be full Discharges.

XLIII. Every Receipt or Acknowledgment of Payment already given or to be given by the Treasurers for the Time being of the said Ecclesiastical Commissioners shall fully discharge the Person or Corporation to whom the same shall be given from all Responsibility in respect of the Amount in such Receipt or Acknowledgment expressed to have been received or paid, and from all Liability in respect of the Application or Misapplication thereof.

Not to affect Christ Church, Oxford, or Collegiate Church at Manchester.

XLIV. Nothing in this Act contained, except Sections Eighteen, Nineteen, and Forty-two, shall in any Manner affect or apply to the Cathedral Church of *Christ* in *Oxford*, nor shall anything in this Act contained affect or apply to the Cathedral or Collegiate Church of *Manchester*, or to the Parish of *Manchester* Division Act, 1850.

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ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

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should receive the Sanction of Parliament: And whereas the Regulations to which those Companies are subject are not uniform: And whereas it is expedient that Provision be made for the due Regulation of all Companies and Persons supplying Gas within the Metropolis: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title.

I. This Act may for all Purposes be cited as "Metropolis Gas Act, 1860."

10 & 11 Vict. c. 15. incorporated with this Act.

II. "The Gasworks Clauses Act, 1847," (except so far as the Provisions thereof are inconsistent with this Act,) is incorporated with and forms Part of this Act, and shall apply to the several Companies before named or referred to as fully as if the Gasworks of the several Companies were authorized by this Act; and the Expression "Undertakers" in the recited Act shall be held to apply to every Gas Company affected by this Act; but it shall not be lawful for any Gas Company, by the Application of any of their Profits or Funds, to make up to the prescribed Rate, or the Rate of Ten Pounds *per Centum per Annum* where no such Rate shall be prescribed, any Dividend which shall have been payable more than Six Years previously; provided that the Powers vested in the Justices by the said Act shall be exercised by a Magistrate.

Companies and Persons to whom Act applies.

III. This Act applies to the several Gas Companies, and to all Persons already or hereafter supplying Gas within the Metropolis, except as herein-after excepted.

Interpretation of Terms.

IV. In the Construction of this Act the following Words and Expressions have the following Meanings, unless excluded by the Subject or Context; (that is to say,)

The Expression "Gas Company" or "Gas Companies" means and includes any and every Company, and any Person or Persons, supplying Gas within the Limits of this Act:

The Expression "Local Authority" includes the Metropolitan Board of Works, Vestries, and District Boards appointed under an Act of the Session of the Eighteenth and Nineteenth Years of the Reign of Her present Majesty, Chapter One hundred and twenty, for the Local Management of the Metropolis:

The Word "Inspector" or "Inspectors" shall mean any Metropolitan Gas Inspector or Inspectors to be appointed under this Act:

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The Word "Consumer" means a Person receiving or entitled, in accordance with this Act, to receive a Supply of Gas from any Gas Company:

The Word "the Metropolis" has the same Meaning as in the said Act of the Eighteenth and Nineteenth Years of Her present Majesty, Chapter One hundred and twenty:

The Word "District" means, with respect to every Gas Company supplying Gas wholly or in part within the Metropolis, the District, so far as it is within the Metropolis, within which the Gas Company are from Time to Time authorized to supply Gas, and means, with respect to any Person or Persons not being a Gas Company, but supplying Gas wholly or in part within the Metropolis, the District within the Metropolis within which he or they shall from Time to Time as a Trade or Business supply Gas:

The Word "Street" includes Square, Court, Alley, Highway, Lane, Road, Thoroughfare, and public Passage or Place:

The Word "Premises" includes public and private Messuages and other Buildings, Lands, and Tenements whatsoever:

The Word "the Gasworks" means the Works of the respective Gas Companies, and the Works connected therewith:

The Word "Rate" includes all Rents and other Payments for a Supply of Gas:

The Word "Meter Rent" includes all Rents and other Payments for the Use of Gas Meters:

The Word "Magistrate" means any Police or Stipendiary Magistrate acting in and for the District of the Metropolis in which the Matter referred to him arises, and in the City of *London* and the Liberties thereof shall mean any Justice of the Peace for the City of *London* and the Liberties thereof:

The Words "Common Gas" shall mean Gas of an illuminating Power herein-after defined of not less than Twelve Candles:

The Words "Cannel Gas" shall mean Gas of an illuminating Power herein-after defined of not less than Twenty Candles.

V. The Limits of this Act shall be the Metropolis: Provided always, that this Act and the several Clauses and Provisions thereof shall not extend or apply or be construed to extend or apply to the several Gas Companies set forth and enumerated in the Schedule annexed to this Act; provided also, that the Districts severally specified and described in the Acts and Instrument of Incorporation respectively mentioned in the said Schedule, or within which the said Companies or any of them are now supplying Gas, (notwithstanding the said Districts, or any Portions thereof, are or may be within the Limits of the Metropolis as defined by this Act,) shall not be included

Limits of Act.

included or deemed to be included in the Expression "the Metropolis," or any Extension thereof which may hereafter be made, under the Provisions of the herein-before mentioned Act of the Eighteenth and Nineteenth *Victoria*, Chapter One hundred and twenty; provided also, that if the said Companies or any of them shall supply Gas in Parts of the Metropolis other than those within their respective Districts as defined in the said Schedule, then the Provisions of this Act shall be held to apply to such Companies respectively so far only as regards such extended Limits as may be within the Metropolis.

Sanctioning Assignment of Districts to Gas Companies to be subject to triennial Revision.

VI. The Limits of each of the said Companies shall be the respective Districts supplied with Gas by such Companies as the same are defined upon Four duplicate Maps, signed by the Right Honourable *Thomas Henry Sutton Sotheron Estcourt*, and which Maps have been severally deposited with the respective Clerks of the Peace for the Counties of *Middlesex*, *London*, *Surrey*, and *Kent;* provided that at the Expiration of Three Years next after the passing of this Act, and of every Three Years thereafter, Her Majesty's Principal Secretary of State for the Home Department for the Time being may, either upon the Application and with the Consent of any Two or more of the said Gas Companies whose Districts adjoin one another, make any Alteration in the Boundaries of such Districts, or, upon the Application of any Local Authority, or upon the Requisition of not less than Twenty Gas Consumers within any District or Districts proposed to be affected, and upon Proof to his Satisfaction being given that any of the said Gas Companies are not in a Condition adequately to supply with Gas their respective Districts, or have substantially failed to fulfil the Obligations imposed by this Act, may make such Alterations in the Boundaries of such Districts, or admit any new Company respectively, as he thinks proper; and all such Alterations shall be certified on One or more Maps, to be signed by the said Secretary of State, and deposited with One or more of the said Clerks of the Peace; and such last-mentioned Map or Maps shall be binding on all Parties, and the Provisions of this Act shall be held to apply to the several Districts when so altered, and to the several Companies affected thereby, as fully and effectually as if no Alteration in such Districts had been made, and no other Company or Person than the Company to whom such Limits are for the Time being assigned or shall hereafter be assigned shall supply Gas for Sale within the said Limits, unless authorized by Parliament so to do; provided that before proceeding to consider the Necessity for altering any of the said Districts the said Secretary of State shall cause at least One Month's Notice to be given of such Application to all Parties interested therein or affected thereby, and such Notice shall state the Day and Hour when and the

the Place where such Application will be considered; and Notices to be given to any Gas Company shall be left with the Secretary or some other principal Officer of the Company, and Notices to be given to any Local Authority shall be left with the Clerk or some other principal Officer of the said Local Authority.

On Complaint as to Quantity and Quality, Secretary of State may appoint a Person as Inspector to inquire and report.

VII. If at any Time Complaints as to the Quantity or Quality of the Gas supplied by any Company be made to the said Secretary of State by Memorial in Writing from the Metropolitan Board of Works, or any Vestry or District Board of Works, signed by their Clerks respectively, or not less than Twenty Inhabitant Householders paying Rates for and supplied with Gas by any such Company, it shall be lawful for the said Secretary, at any Time within One Month after the Receipt of such Complaint, to appoint a competent Person as Inspector, to inquire into and concerning the Grounds of such Complaint, and to report to the said Secretary thereon.

Power of Inspector so appointed.

VIII. The Inspector so appointed as aforesaid shall give Notice of his Appointment in Writing to the Company, and at any Time after Twenty-four Hours from the Time of his giving such Notice as aforesaid he shall have Power to inspect and examine the Gasworks of the Company, and to inquire into and concerning the Grounds of such Complaint, and the Company and their Officers shall afford all reasonable Facilities for such Inspection, Examination, and Inquiry.

Penalty on obstructing Inspector.

IX. Any Person obstructing such Inspector in the due Prosecution of such Inspection, Examination, or Inquiry shall forfeit and pay any Sum not exceeding Ten Pounds.

Notice if Complaint well founded.

X. If after Receipt of such Report it shall appear to the said Secretary that the said Complaint is well founded, the said Secretary shall give Notice thereof in Writing to the Company.

Company to remove Ground of Complaint.

XI. After the Receipt of such Notice the Company shall and they are hereby required, within a reasonable Time, to remove the Grounds of such Complaint.

Gas Companies to obey Orders of Secretary of State.

XII. Every Gas Company shall in all things obey the Orders of the said Secretary made in pursuance of this Act, and in default of their so doing they shall be liable to a Penalty not exceeding Fifty Pounds for each Offence.

Cost of altering District.

XIII. All the Costs, Charges, and Expenses of and incident to any Inquiry and Decision of the said Secretary of State under this Act shall from Time to Time be borne and paid by such Parties as the said

said Secretary of State shall direct, and such Decision may, upon an *ex-parte* Application, be made a Rule of any of Her Majesty's Superior Courts of Law at *Westminster*.

Gas Companies to provide Pipes, and supply Gas and Meters at prescribed Rents.

XIV. Every Gas Company from Time to Time supplying Gas within any District shall, as to any Premises or Street within such District not already supplied with Gas, and which shall lie within Fifty Yards of any existing Mains, at their own Expense, on being required by the Owner or Occupier of any Premises within the District or in part within the District, who shall contract for not less than Two Years to pay Gas Rates in respect of such Supply to an Amount equal to Twenty *per Cent.* upon the Outlay, provide and lay all proper and sufficient Communication, Service, and other Pipes up to the Premises of such Owner or Occupier, to communicate with the Gas Company's Mains, and shall, if so required by the Owner, Occupier, or Local Authority, furnish him or them, at the Rate prescribed by this Act, with a Supply of Gas for the Purpose of being used in or on the Premises, or for lighting the Street, and if so required by the Owner or Occupier, furnish him with One or more Meters, for ascertaining the Quantity of Gas consumed; provided that the Gas Company shall not be bound to supply more than One Meter for each Consumer occupying a separate Dwelling or Apartment, nor any Meter exceeding a Five-Light Meter; provided also, that the Meter Rent which the said Company shall be entitled to claim for such Meter shall not exceed Ten *per Cent.* on the net Cost of such Meter; provided that it shall not be lawful for any Company not charging a Meter Rent on the First Day of *January* One thousand eight hundred and sixty to charge such Rent within their District until after the First Day of *January* One thousand eight hundred and sixty-two.

Security to be given to Gas Company, if required.

XV. Provided, That the Owner or Occupier, if so required in Writing by the Gas Company or any of their Officers, shall, before he is entitled to have the Pipes provided and laid, or to have a Supply of Gas or of Meters furnished, give to the Gas Company such Security for the Payment of the Rate for the Gas to be supplied to him, and of the Meter Rent for every Meter to be supplied to him, as he and the Gas Company agree on.

Differences as to Security to be determined by a Magistrate.

XVI. Provided, That if the Owner or Occupier and the Gas Company cannot agree thereon, the Security to be given shall be determined by a Magistrate; and any single Magistrate shall, on the Application of the Owner or Occupier and the Gas Company, or either of them, determine the Nature and Amount of the Security to be given; and the Security may, as the Magistrate thinks fit, be the

the Deposit with the Gas Company, or with any Person approved by the Magistrate, or the Prepayment to the Gas Company, of a Sum of Money or any other Security which the Magistrate thinks sufficient and reasonable; and the Determination of the Magistrate shall be binding on all Parties, and final: Provided that if the Security be the Deposit with the Gas Company of a Sum of Money, the Gas Company shall pay Interest thereon to the Consumer at such Rate as the Magistrate shall determine.

Penalty on Gas Company failing to provide Pipes or Supply of Gas or Meters.

XVII. If the Gas Company, not being entitled to require or not having required any Security, wilfully fail for Seven Days after being thereunto required in Writing by the Consumer, or where the Security agreed on or determined by the Magistrate is given, shall wilfully fail for Fourteen Days thereafter to provide and lay all proper and sufficient Communication, Service, and other Pipes, or to furnish a Supply of Gas, or to furnish any Meter, pursuant to the Provisions of this Act, then and in every such Case the Gas Company shall, on a summary Conviction before a Magistrate, forfeit and pay to the Consumer not exceeding Forty Shillings for every Day after the Expiration of Seven or Fourteen Days respectively during which the Failure continues.

Gas to be consumed by Meter, if required by Companies.

XVIII. Provided, That every private Consumer shall, if so required in Writing by the Gas Company, consume the Gas by Meter, but any Consumer may, if he thinks fit, provide his own Meter.

Gas Companies may contract for Supply.

XIX. Subject to the Provisions of this Act, every Gas Company, from Time to Time, may enter into any Contract with any Owner, Occupier, or Local Authority for all or any of the following Purposes; that is to say, for supplying him or them with Gas, and with Pipes, Burners, Meters, Lamps, Lamp Posts, and other Apparatus, and for the Repair and cleansing and for the lighting and extinguishing thereof, in such Manner and on such Terms and Conditions as the Parties agree.

Contracts valid though not under Seal.

XX. Provided, That, notwithstanding its being required by any Act of Parliament or otherwise that the Gas Company's Contracts shall be under Seal, every Contract of the Gas Company entered into in accordance with this Act shall without Seal be binding on them, if the Contract be signed by at least Two of their Directors, or by their Secretary or other Officer, by the Authority of at least Two of their Directors.

Restrictions on Contracts with Gas Companies.

XXI. Provided, That no Contract for any of those Purposes shall contain any Term or Condition contrary to any of the Provisions of this

this Act, or for giving in case of Difference the sole Arbitrament thereon to the Gas Company or any Officer or Person who is or has been employed by them, or who may have a pecuniary Interest in such Company, or for requiring any Notice by a Consumer discontinuing his Supply of Gas or Meter which shall make him liable to pay more than One Month's Rate or Meter Rent after the Time of the Service of the Notice, or which shall entitle the Gas Company, except for Breach of any of the Provisions of this Act, to discontinue any Supply of Gas by less than One Month's Notice in Writing to the Consumer, unless the Rate due for Gas shall be in arrear, in which Case Three Days Notice in Writing to the Consumer shall be sufficient.

Gas Companies to light Streets when required by Local Authority.

XXII. The Gas Company shall well and effectually light all public Lamps in all Streets which they are required by the Local Authority to light, and shall, according to the Terms of their Contract, supply to the Local Authority so much Gas as they require for their public Lamps; provided that the Gas Company shall not be compelled to light any Street with Lamps at a greater Distance from each other than Seventy-five Yards.

Local Authorities may provide Lamp Posts and Lamps.

XXIII. The Local Authority may provide and keep in repair their own public Lamp Posts and Lamps, and Apparatus connected therewith, and in case of their electing to burn by Meter, light and extinguish the Lamps, and defray the Expenses thereof.

Service Pipes to be fully charged with Gas.

XXIV. Every Gas Company shall, unless prevented by necessary Repairs or unavoidable Accident, at all Times keep all their Branch or Service Pipes fully charged with Gas, and the Stopcocks so turned as not to prevent the Branch or Service Pipes from being at all Times filled with Gas.

Illuminating Power and Purity of Gas.

XXV. The Quality of the Common Gas supplied by any Gas Company shall be, with respect to its illuminating Power at a Distance as near as may be of One thousand Yards from the Works, such as to produce from an Argand Burner having Fifteen Holes and a Seven-inch Chimney, consuming Five Cubic Feet of Gas an Hour, a Light equal in Intensity to the Light produced by not less than Twelve Sperm Candles of Six to the Pound each burning One hundred and twenty Grains an Hour, and the Quality of Cannel Gas supplied by any Gas Company shall with respect to its illuminating Power at the Distance aforesaid be such as to produce from a Batswing or Fishtail Burner consuming Five Feet of Gas *per* Hour a Light equal in Intensity to Twenty such Sperm Candles, and each such Gas shall with respect to its Purity be

be so far free from Ammonia and Sulphuretted Hydrogen that it shall not discolour either Turmeric Paper or Paper imbued with Acetate or Carbonate of Lead, when those Tests are exposed to a Current of Gas issuing for One Minute under a Pressure of Five Tenths of an Inch of Water, and shall not contain more than Twenty Grains of Sulphur in any Form in One hundred Cubic Feet of Gas: Provided that any Gas Company, and the Local Authorities of the District supplied by such Company, shall be at liberty to agree upon any other or different Test by which to ascertain the Purity of the Gas, or to vary the Amounts of Ammonia or Sulphur in any Form herein-before allowed, and thereupon the Company shall be thenceforth liable to have the Purity of their Gas tested in the Manner so prescribed.

Penalty for deficient illuminating Power or Impurity.

XXVI. If the Gas supplied by the Gas Company be at any Time of less illuminating Power or of less Purity than according to this Act it ought to be, the Gas Company shall for every such Offence, on a summary Conviction before a Police Magistrate, forfeit a Sum not exceeding Fifty Pounds, and also, in addition to that Penalty, and whether that Penalty be recovered or not, a further Sum of Ten Pounds for every Day after Notice in Writing from the Local Authority during which the Offence continues: Provided that such Police Magistrate shall not convict under this Section, if it shall be proved to his Satisfaction that such Defect of Gas was occasioned by any unavoidable Cause or Accident.

Appointment by Local Authority of Examiner of Gas.

XXVII. Every Local Authority taking any Supply of Gas according to this Act shall provide all proper and sufficient Apparatus, Machinery, and Instruments for testing the illuminating Power and Purity of the Gas, and from Time to Time shall appoint, and out of any Funds applicable by them for their local Purposes may pay, a Chemical Examiner or Gas Engineer, or other competent Person, to be an Examiner for the Purposes of this Act; and every Gas Company shall, within Six Months after the passing of this Act, cause to be erected in some convenient Place, as near as may be to One thousand Yards from their Works (such Place, in case of Dispute between the Company and the Local Authority, to be fixed by a Police Magistrate upon the Application of either Party, after hearing the Parties thereon), an Experimental Meter, furnished with a suitable Burner, capable of consuming Five Cubic Feet of Gas *per* Hour, with other necessary Apparatus for testing the illuminating Power of the Gas.

Examination of Gas, and Report thereon.

XXVIII. The Examiner shall, on giving Three Hours Notice to the Secretary or Engineer of the Company, have Access at all Times to such Experimental Meter, and when and so often as is necessary or

as he is so directed by the Local Authority appointing him shall examine the illuminating Power, and the Purity of the Gas supplied, and shall present to the Local Authority, so often as they require, a Report stating the Number of Examinations on which the Report is founded, and the maximum, minimum, and average illuminating Power and Purity, or the illuminating Power and Purity from Day to Day or at longer Intervals of the Gas supplied during the whole Period to which the Report relates, with such other Information and Remarks thereon as may be deemed necessary.

Two or more Local Authorities may join in the Appointment.

XXIX. Provided, That Two or more Local Authorities, if they think fit, may join in providing the Apparatus, Machinery, and Instruments, and in appointing and paying the Examiner, and he shall make his Reports to every Local Authority so joining in appointing and paying him.

Complaint to a Magistrate as to Supply of Gas.

XXX. The Examiner, on Payment to him of a Fee of Ten Shillings and Sixpence by any Consumer, shall, at his Request, examine and report to him on the illuminating Power and the Purity of the Gas supplied as herein-before mentioned; and any Consumer may make Complaint to any Magistrate with respect to the illuminating Power or Purity of the Gas supplied to the Complainant, and the Magistrate may entertain and hear the Complaint, and proceed thereon according to the Provisions of this Act.

Hearing on Report.

XXXI. Any Magistrate may direct that Notice be given to the Complainant and the Gas Company to appear and be heard on the Complaint, at such Time as he appoints, and each Party shall thereupon appear and may be heard before a Magistrate, by themselves, their Counsel, Attorneys, or Agents.

Order on Hearing.

XXXII. Where on the Hearing, and whether or not the Gas Company have appeared, it appears to the Magistrate that the Complaint or any Part thereof is well founded, he shall make an Order declaring that the same is well founded, and ordering the Gas Company to pay any Penalty or Penalties thereby incurred, and to remove within a reasonable Time the Grounds of Complaint, and he may by the Order direct that any specific Acts shall be done by the Gas Company for removing the Grounds of Complaint, and may make any Order as to Costs; and all Orders so made shall be final and binding on all Parties.

Gas Company to obey Order.

XXXIII. Where the Gas Company are served with any Order so made they shall, within the Time limited by the Order, remove the Grounds of Complaint thereby declared to be well founded, and pay the

the Penalty or Penalties, and the Damages (if any) and Costs (if any) thereby ordered to be paid by them.

Gas Companies to afford Facilities for Examination under this Act.

XXXIV. The Gas Company, and their Officers, Agents, and Servants, and where there is any Complaint made, the Complainant, shall afford to the Examiner appointed by the Local Authority all reasonable Facilities for the respective Inspection, Examination, and Inquiry; and every Person obstructing any such Examiner so appointed in the Exercise of his Duties under this Act shall for every such Offence forfeit not exceeding Ten Pounds.

Limit of Charge for Gas and Meters.

XXXV. After the Thirty-first Day of *December* One thousand eight hundred and sixty no Gas Company shall, except under existing Contracts, demand or take for any Gas or Five-Light Meter supplied by them any Sum of Money exceeding the Rate or Meter Rent by this Act authorized.

Determination of existing Contracts.

XXXVI. All Contracts made or existing before the First of *January* One thousand eight hundred and sixty, between any of the Gas Companies included in this Act and any Local Authority, for or relating to the Supply of Gas, shall terminate on the First Day of *February* One thousand eight hundred and sixty-two, and thereafter the Provisions of this Act in all Particulars shall apply to such Company; provided that from the Time of the passing of this Act until the said First Day of *February* One thousand eight hundred and sixty-two the Provisions of this Act relating to Price, Purity, and illuminating Power of Gas, shall not apply to any such Company, unless such Company shall elect to adopt them.

Limit of Charge for Gas supplied to public Lamps.

XXXVII. The Gas Company shall not charge a higher Price by the One thousand Cubic Feet for Gas supplied to any Local Authority than the lowest Rate by the One thousand Cubic Feet from Time to Time charged by them to any private Consumers, otherwise than by special Contract in Writing, in the District supplied by the Gas Company.

Difference to be settled by Arbitration.

XXXVIII. If any Difference arise between the Local Authority and the Gas Company with respect to any Alteration in the Test, or to the Rate to be charged for Gas supplied or for lighting any public Lamp, the Difference shall be referred to and be determined by Arbitration in the Manner prescribed by the "Companies Clauses Consolidation Act, 1845," with respect to the Settlement of Disputes by Arbitration.

XXXIX. In

Incoming Tenant not to pay Arrears of outgoing Tenant, unless by express Agreement.

XXXIX. In case any Consumer leave the Premises where Gas was supplied to him without paying to the Gas Company the Rate or Meter Rent due from him, the Gas Company shall not require from the next Tenant of the Premises Payment of the Arrears so left unpaid, unless the incoming Tenant agreed with the defaulting Consumer to pay the Arrears; but the Gas Company shall, notwithstanding any such Arrears, in the Absence of Collusion between the outgoing and incoming Tenant, supply Gas to the incoming Tenant, as required by this Act, on being required by him so to do.

Appeal by Consumers to Home Secretary on Rise of Price of Gas.

XL. No Company shall advance the Price of Gas above the Rate taken by such Company on the First Day of *January* One thousand eight hundred and sixty, whenever such Rate is at or above Four Shillings and Sixpence *per* One thousand Cubic Feet, unless there has been such Increase in the Cost of Gas, or any other Circumstances affecting the Company, as will warrant such Advance: Provided always, that before raising the Gas Rate in any District the Gas Company supplying such District shall give Notice of their Intention to the Local Authorities of the District and in some Newspaper circulating within the District for Two consecutive Weeks at least One Month before such Alteration in the Gas Rate shall be made; and in case any Local Authority shall, within such Month, dissent from such Alteration, it shall be determined by Arbitration in the Manner herein-before mentioned whether such Alteration shall be allowed: Provided always, that no Gas Company shall charge for Common Gas supplied by them any Sum exceeding Five Shillings and Sixpence for every One thousand Cubic Feet, or for Cannel Gas any Sum exceeding Seven Shillings and Sixpence for every One thousand Cubic Feet; provided also, that any Company shall be at liberty to change the Kind of Gas from Time to Time supplied by such Company, whether Common or Cannel Gas, on giving Three Months Notice of their Intention so to do; and upon the Expiration of such Notice the Company shall thenceforth supply Gas pursuant thereto under the Provisions of this Act until any like Notice shall be given for a further Change; and when the Company shall change the Supply from Cannel Gas to Common Gas, the Rate shall be reduced so as not to exceed Four Shillings and Sixpence *per* Thousand Cubic Feet, except under the Circumstances and in the Manner herein-before set forth.

Home Secretary may issue Form of Accounts to be filled up by Gas Companies.

XLI. The said Secretary of State may at any Time issue a Form of Accounts to be filled up by each of the said Gas Companies, and such Accounts shall state precisely the Amounts of the Capital of each Company, and the Acts of Parliament or other Authority under which

which the same is raised, and such other Information as the said Secretary may require, in order to enable him to ascertain the actual State and Condition of the Concerns of such Company; and every Gas Company shall, after receiving Notice in Writing signed by the said Secretary of the Form so required by him to be filled up, within Two Months after the General Meeting of the Company fill up and forward to the said Secretary an annual Statement of Accounts in the Form so prescribed, and any Company which shall fail to furnish such Account shall be liable on Conviction before a Magistrate to forfeit any Sum not exceeding Fifty Pounds; and such Statement shall be laid by the Secretary of State before both Houses of Parliament every Year.

Gas Companies to cause Maps of their Districts to be made.

XLII. Every Gas Company shall within One Year after the passing of this Act cause a Map to be made of the District within which their Mains or District Mains then lie, on a Scale not less than Six Inches to a Mile, and shall cause to be marked thereon the Line of all their then existing Mains and District Mains, and shall once in every Year correct such Map and make such Additions thereto as will show the Line of all their then Mains and District Mains as aforesaid.

As to Deposit and Inspection of the Maps;

XLIII. Every Map, or a Copy thereof, so made by or for each Company, with the Date expressed thereon of the last Time when it was so corrected, shall be deposited, certified by their Secretary or Clerk by Writing under his Hand to be a true Copy thereof, with the respective Clerks of the Peace for the Counties in which such Mains lie, and who are hereby required to receive and keep in safe Custody the same; and such Maps so deposited shall at all reasonable Times be open to the Inspection of all Local Authorities and Consumers, and their respective Agents, and they respectively may take Copies of or Extracts from the same; and every Gas Company wilfully failing to comply with any of the Requirements of this Act with respect to Maps, and every Person having charge of such Maps who shall refuse to allow any Person to inspect and take Copies of or Extracts from such Maps, shall for every such Offence forfeit a Sum not exceeding Ten Pounds.

Charge for Inspection of Map.

XLIV. Every Clerk of the Peace with whom any Map shall be deposited under the Provisions of this Act may charge and take the Sum of One Shilling for every Inspection of such Map, and the further Sum of Two Shillings and Sixpence for every Extract from or Copy taken of such Map.

Secretary of State may direct Proceedings by the Attorney General against Gas Companies.

XLV. If and whenever it appears to the Secretary of State that any of the Provisions of this Act have been violated or not complied with on the Part of any Gas Company, or that the Gas Company are acting in a Manner unauthorized by Law, and if it appear to him that it would be for the Public Advantage that the Gas Company should be restrained from so acting, or compelled to do any Act for remedying the wrongful Act done by them, the Secretary of State may certify the same in Writing to Her Majesty's Attorney General, and thereupon he, if he be so advised, shall proceed by Information, Bill, or Action, or other such Proceeding at Law or in Equity, as the Case requires, to restrain the wrongful acting or to compel the doing of the Acts for remedying the wrongful Acts; provided always, that the Secretary of State shall not give the Certificate at a Period exceeding One Year after the committing of the Offence specified in the Certificate.

Recovery and Application of Penalties.

XLVI. Every Penalty imposed by this Act, the Recovery and Application of which is not otherwise specially provided for by this Act, shall be recovered on summary Conviction before a Magistrate, and be enforced, accounted for, and paid to the Receiver of the Metropolitan Police District, and shall be apportioned in the same Manner as Penalties or Fines, other than Fines upon drunken Persons, or upon Constables for Misconduct, or for Assaults upon Police Constables, are by the Act of the Third Year of Her present Majesty, for regulating Police Courts in the Metropolis, directed to be recovered, enforced, accounted for, paid, and applied; and every Order or Conviction of any Magistrate in respect of any such Penalty shall be subject to the like Appeal, and upon the same Terms, as is by that Act provided in respect of any Order or Conviction of any Magistrate; and every Magistrate by whom any Order of Conviction is made under this Act shall have the same Power of binding over the Witnesses examined, and the Witnesses shall be entitled to the same Allowance of Expenses, as they would be entitled to in case the Order, Conviction, and Appeal were made under that Act.

Jurisdiction of Magistrates for Purposes of Act.

XLVII. Every Magistrate shall, for the Purposes of this Act, have full Jurisdiction and full Powers and Authorities over the Parties respectively, and with respect to making Orders on the Parties respectively, and otherwise, and as to Costs, and may issue every such Summons, Warrant, and other Process, and may take such other Proceedings as he thinks requisite; and the Service of any Summons, Notice, Order, or other Process in the Matter on such Person, or in such Manner as a Magistrate directs, shall be good Service thereof; and every Magistrate may proceed singly in the Execution of this Act in such Manner as he thinks proper.

XLVIII. Nothing

XLVIII. Nothing in this Act contained shall extend or be construed to extend to authorize or empower any Gas Company to interfere with or abridge any of the Rights or Privileges of any Company established for the Supply of Water to the Inhabitants of any Parish or Place within the Metropolis; and every Gas Company shall be answerable for any Damage, Spoil, Injury, or Mischief which shall be done to any of the Pipes, Works, or Property of any such Water Company, or which shall or may be sustained by such Water Company by reason or in consequence of any Act, Matter, or Thing to be done or executed by such Gas Company, or any of their Servants, Agents, or Workmen. For the Protection of Water Companies.

XLIX. Whenever any Gas Company, or their Servants, Agents, or Workmen, shall dig or sink any Trench for laying any new Mains or Pipes, other than Service Pipes, for the Conveyance of Gas or other Apparatus near to which any Pipe belonging to any Water Company for conveying Water, or any Branch or Service Pipe for the Supply of Water to any Dwelling House or Buildings, shall be laid, such Gas Company, their Servants, Agents, or Workmen, shall give Four Hours previous Notice thereof in Writing to the Manager or Chief Clerk, or Secretary or Engineer, of such Water Company, such Notice to be delivered at the principal Office of the Company between the Hours of Ten in the Morning and Four in the Afternoon, and shall, under the Inspection of the Manager or Chief Clerk, Secretary or Engineer for the Time being of such Water Company, protect and secure every such Water Pipe from any Injury, and shall also repair any Damage that shall be done to such Pipe, and in default of repairing such Damage the Gas Company shall for each such Default forfeit and pay to the Secretary for the Time being of such Water Company, for the Use of the said Water Company, any Sum not exceeding Five Pounds, and also the Costs and Expenses which shall have been incurred by the said Water Company in protecting and securing any such Water Pipe, or in repairing or making good any Injury that may have been done thereto by the Means aforesaid, such Costs and Expenses to be ascertained by any Justice, and to be recovered in the same Manner as any Expenses or Penalty under this Act may be recovered. For laying Pipes to convey Gas.

L. All Pipes hereafter to be laid by any Gas Company for the Conveyance of Gas shall be laid at the greatest practicable Distance from the nearest Part of any Pipe then laid down by or by Order of any Water Company for the Conveyance of Water, and wherever the Width of the Carriageway or Footpath will allow thereof shall be laid at the Distance of Four Feet at least from the nearest Part of any such Water Pipe, unless in Cases where it shall be unavoidably necessary Mode of laying Pipes.

necessary to lay the Gas Pipe across or nearer to any Water Pipe, in which Case the said Gas Pipe shall, wherever practicable, be laid over and above the said Water Pipe at the greatest practicable Distance therefrom, and shall form therewith a Right Angle, or as near thereto as the Situation will admit; and in every such Case the said Gas Pipe so crossing the said Water Pipe shall be at least Nine Feet in Length, so that no Joint of any Gas Pipe shall be nearer to any Water Pipe than Four Feet at the least, where the Width of the Road, Street, Square, Market Place, Lane, Alley, Passage, Court, or other Place will admit; and every such Gas Pipe so crossing the Water Pipe shall for the whole Length thereof be sufficiently bedded in with good sound Clay or other fit Materials of a proper Consistence, and well worked and rammed into the Trench all round the said Gas Pipe, and in laying down any such Gas Pipe the Gas Company shall use such Joints as are for the Time being of the most improved Description for preventing the Leakage of Gas, and shall in no Case join Two or more Gas Pipes together previous to their being laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and shall in such Trench properly form the jointing with the other Pipes to be added thereto with proper and sufficient Materials, and shall also, wherever practicable, lay and well and sufficiently bed each Joint of the Main Gas Pipes and also the Joints or Screws of the Branch or Service Gas Pipes connecting with the Main Gas Pipes, and also the Joints of the Service or Branch Pipes for conveying the Gas from the Main Gas Pipes to the Houses and other Buildings, and all other Joints, Inlets, Apertures, or Openings which are or shall or may be made in any of the Main Gas Pipes belonging to the Gas Company, in such Manner and of such Material as shall, as far as reasonably practicable, prevent Leakage.

To prevent further Contamination of Water by Gas.

LI. Whenever the Water which shall be supplied by any Water Company shall be contaminated or affected in any way whatsoever by the Gas of any Gas Company, such Gas Company shall, within Twenty-four Hours next after Notice thereof in Writing, signed by any One of the Directors, or by the Secretary for the Time being of such Water Company, or by any Person using the Water of such Water Company, and left at the Office of such Gas Company, cause Measures to be taken effectually to prevent such Gas from contaminating or affecting the Water of such Water Company; and in case such Gas Company shall not within Forty-eight Hours next after any such Notice so left as aforesaid use all reasonable Means to effectually remove the Cause of such Complaint, and prevent all such Contamination whereof Notice shall be given as aforesaid, then and in every such Case such Gas Company shall on each Complaint whereof

whereof Notice shall be given as aforesaid forfeit and pay to the Secretary of such Water Company, for the Use of such Water Company, the Sum not exceeding Ten Pounds for each Day during which the Water supplied by such Water Company shall remain contaminated or affected by the Gas of such Gas Company; and every such Penalty or Forfeiture may be recovered for the Use of such Water Company in the same Manner as any other Penalty or Forfeiture imposed by this Act may be levied and recovered.

For ascertaining if the Water is contaminated.

LII. And whereas it may become a Question upon such Complaint as aforesaid whether or not the Water supplied by any Water Company within the Metropolis be contaminated or affected by the Gas of the Gas Company: Be it enacted, That in every such Case it shall be lawful for any such Water Company to dig to and about and to search and examine the Mains, Pipes, Conduits, and Apparatus of the Gas Company adjacent to the Pipes of such Water Company for the Purpose of ascertaining whether or not such Contamination proceed or be occasioned by the Gas of such Gas Company, giving Twenty-four Hours previous Notice in Writing, signed by One of the Directors or by the Secretary for the Time being of such Water Company, and left at the Head Office of such Gas Company, of the Intention of such Water Company so to dig, search, and examine as aforesaid, and of the Time and Place or Places when and where such Digging, Search, and Examination is intended to be made; and if it shall appear that the said Water has been contaminated, and that there has been any Escape of Gas whereby such Contamination has been produced, then and in every such Case the Costs and Expenses of the said Digging, Search, and Examination, and of the Repair of the Street, Road, or Place which shall be taken up or disturbed, shall be borne and paid by such Gas Company, which Costs and Expenses shall be ascertained and determined if necessary by any Justice, and may be levied and recovered in the same Manner as any Penalty or Forfeiture imposed by this Act may be levied and recovered: Provided always, that if upon such Examination it shall appear that such Contamination has not arisen from any Escape of Gas from any of the Mains, Pipes, or Conduits of the Gas Company to which such Notice shall have been given, then and in every such Case the Water Company by whom or on whose Behalf such Examination and Search shall have been made shall bear and pay all the Costs, Charges, and Expenses of and incident to such Examination and Search, and shall also make good to such Gas Company any Damage which may be occasioned to their Mains, Pipes, Conduits, or Apparatus by such Search, and also any Injury or Damage which may be done in or about any of the Streets, Roads, or Places which shall be broken up or disturbed in such Search,

the Amount of such Damage to be ascertained and determined if necessary by any Justice, and to be levied and recovered in the same Manner as any Penalty or Forfeiture under this Act may be levied and recovered.

Appropriation of Penalties in the City of London.

LIII. All Penalties or Sums of Money ordered and adjudged within the City of *London* and the Liberties thereof to be paid under this Act, and not otherwise appropriated, shall be payable to the Chamberlain of the City of *London*, in aid of the Expenses of the Police of the said City.

Saving Rights of Metropolitan Board of Works, Vestries, and others.

LIV. Nothing in this Act contained shall avoid, prejudice, or impair any of the Powers now exercised by or vested in the Metropolitan Board of Works, or in the Commissioners of Sewers of the City of *London* and the Liberties thereof, or any Powers now vested in any Local Authority within the Metropolis, or any Powers now exercised or possessed in respect of the Manufacture or Supply of Gas within the Metropolis by any Railway Company, or by any other Person or Persons making or supplying Gas for his or their own Use, and not making or supplying Gas to the Public as a Trade or Business: Provided that if the said Local Authority shall refuse or delay their Consent to any Company to lay down Mains or Pipes in accordance with the Provisions of this Act, it shall be lawful for the said Secretary of State under his Hand to authorize the same to be laid down without such Consent; and after the Date of the Application by such Company to the said Secretary of State for such Consent no Penalty shall be incurred by any Default of such Company, so far as it is occasioned by such Refusal only.

Saving general Jurisdiction of Courts of Law and Equity.

LV. Provided, That no special Remedy or Provision for giving Relief to any Person given by this Act shall prejudice or diminish the general Jurisdiction of any of Her Majesty's Superior Courts of Law or Equity over or with respect to the Acts or Defaults in respect of which the special Remedies or Provisions are so given.

Expenses of Act.

LVI. The Costs, Charges, and Expenses of and incident to the passing of this Act, and preliminary thereto, shall be paid by the Metropolitan Board of Works, out of such Funds as may be and shall be levied by their Authority from the several Vestries and District Boards, in proportion to their annual rateable Value, and such Amount shall be included in the Precept of the Metropolitan Board under the Authority of the Act of the Eighteenth and Nineteenth Years of Her present Majesty, Chapter One hundred and twenty, for the Local Management of the Metropolis.

LVII. All

LVII. All the Expenditure from Time to Time made or incurred by any Local Authority under the Authority of this Act may and shall be defrayed by the Local Authority out of any Rate raised under the Provisions of the Act of the Session of the Eighteenth and Nineteenth Years of Her present Majesty, Chapter One hundred and twenty, for the Local Management of the Metropolis.

Expenditure of Local Authorities under this Act.

SCHE

SCHEDULE to which Fifth Section of the foregoing Act refers.

Name of Gas Company.	Special Act or Instrument of Incorporation.	District.
The Crystal Palace District Gas Company.	The Crystal Palace District Gas Company's Act, 1858.	The District defined by their said Special Act.
The Woolwich, Plumstead, and Charlton Consumers Gas Company.	The Woolwich, Plumstead, and Charlton Consumers Gas Act, 1855.	The District defined by their said Special Act.
The Woolwich Equitable Gaslight and Coke Company.	The Woolwich Equitable Gas Company's Act, 1855.	The District defined by their said Special Act.
The Wandsworth and Putney Gaslight and Coke Company.	The Wandsworth and Putney Gas Act, 1856.	The District defined by their said Special Act.
The Brentford Gas Company.	The Brentford Gas Act, 1858.	The District now actually supplied by the Company.
The Victoria Docks Gas Company.	The Victoria Docks Gas Act, 1857.	The District defined by their said Special Act.
The Eltham Gaslight and Coke Company, Limited.	Articles of Association under the Joint Stock Company's Act, 1856.	The Parish of Eltham.
The West Ham Gas Company.	The West Ham Gas Company's Act, 1856.	The District defined by their said Special Act.
Mitcham, Merton, and Tooting Gas Company.	Articles of Association under 7 & 8 Victoria, Cap. 110.	The Parishes and Villages of and adjacent to Mitcham, Merton, and Tooting.

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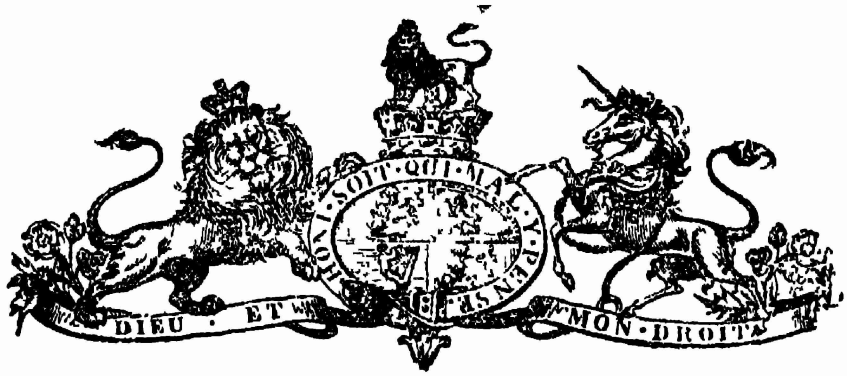

ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

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Law and Equity.

Court of Chancery; and if the Lessee, his Executors, Administrators, or Assigns, shall upon such Proceeding be relieved, he and they shall hold the demised Lands according to the Lease thereof made, without any new Lease.

Relief against Forfeiture for non-insuring.

II. In the Case of any Ejectment for a Forfeiture for Breach of a Covenant or Condition to insure against Loss or Damage by Fire, the Court or a Judge shall have Power, upon Rule or Summons, to give Relief in a summary Manner, but subject to Appeal as hereinafter mentioned, in all Cases in which such Relief may now be obtained in the Court of Chancery under the Provisions of an Act passed in the Session of Parliament held in the Twenty-second and Twenty-third Years of the present Reign, intituled *An Act to further amend the Law of Property, and to relieve Trustees*, and upon such Terms as would be imposed in such Court.

22 & 23 Vict. c. 35.

Minute of Relief granted.

III. Where such Relief shall be granted, the Court or a Judge shall direct a Minute thereof to be made by Indorsement on the Lease or otherwise.

Appeal.

Appeal to the Court from Order of Judge.

IV. Any Order made by a Judge upon an Application for Relief under the Provisions of this Act shall be subject to an Appeal to the Court, and may be discharged, varied, or set aside by the Court, upon such Terms as the Court shall think fit, on Application made thereto by any Party dissatisfied with such Order.

Power to appeal from Order of Court.

V. It shall be lawful for the Party against whom the Court makes any Rule or Order in respect of such Relief to appeal from such Rule or Order.

Courts of Error to be Courts of Appeal.

VI. The Courts of Error shall be Courts of Appeal for the Purposes of this Act.

Notice of Appeal.

VII. No Appeal shall be allowed unless Notice thereof be given in Writing to the opposite Party or his Attorney, and to One of the Masters of the Court, within Four Days after the Decision complained of, or such further Time as may be allowed by the Court or a Judge.

Bail.

VIII. Notice of Appeal shall be a Stay of Execution, provided Bail to pay the Sum demanded and Costs be given, in like Manner and to the same Amount as Bail in Error, within Eight Days after the Decision complained of, or before Execution delivered to the Sheriff.

IX. The

Law and Equity.

IX. The Appeal herein-before mentioned shall be upon a Case to be stated by the Parties (and in case of Difference to be settled by the Court, or a Judge of the Court appealed from), in which Case shall be set forth so much of the Pleadings, Facts, and the Order, Rule, or Judgment objected to as may be necessary to raise the Question for the Decision of the Court of Appeal. Form of Appeal.

X. The Court of Appeal shall give such Judgment or make such Rule as ought to have been given or made in the Court below, and shall have Power to remit the Cause, with such Directions as they shall think proper; and all such further Proceedings may be taken thereupon as if the Judgment or Rule had been given or made by the Court below. Judgment of Court of Appeal, and Power to remit Proceedings.

XI. The Court of Appeal shall have Power to adjudge Payment of Costs, and to order Restitution. Power of Court of Appeal as to Costs, &c.

Interpleader Proceedings.

XII. Where an Action has been commenced in respect of a Common Law Claim for the Recovery of Money or Goods, or where Goods or Chattels have been taken or are intended to be taken in Execution under Process issued from any One of the Superior Courts, or from the Court of Common Pleas at *Lancaster* or the Court of Pleas at *Durham*, and the Defendant in such Action, or the Sheriff or other Officer, has applied for Relief under the Provisions of an Act made and passed in the Session of Parliament held in the First and Second Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to enable Courts of Law to give Relief against adverse Claims made upon Persons having no Interest in the Subject of such Claims*, it shall be lawful for the Court or a Judge to whom such Application is made to exercise all the Powers and Authorities given to them by this Act and the herein-before mentioned Act passed in the Session of Parliament held in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, though the Titles of the Claimants to the Money, Goods, or Chattels in question, or to the Proceeds or Value thereof, have not a common Origin, but are adverse to and independent of one another. Interpleader may be granted, though Titles have not a common Origin. 1 & 2 W. 4. c. 58.

XIII. When Goods or Chattels have been seized in Execution by a Sheriff or other Officer under Process of the above-mentioned Courts, and some Third Person claims to be entitled under a Bill of Sale or otherwise to such Goods or Chattels, by way of Security for a Debt, the Court or a Judge may order a Sale of the whole or Part thereof, Court or Judge may direct Sale of Goods seized in Execution.

thereof, upon such Terms as to Payment of the whole or Part of the secured Debt, or otherwise, as they or he shall think fit, and may direct the Application of the Proceeds of such Sale in such Manner and upon such Terms as to such Court or Judge may seem just.

Power to Court or Judge to decide summarily in certain Cases.

XIV. Upon the Hearing of any Rule or Order calling upon Persons to appear and state the Nature and Particulars of their Claims, it shall be lawful for the Court or Judge, wherever, from the Smallness of the Amount in dispute or of the Value of the Goods seized, it shall appear to them or him desirable and right so to do, at the Request of either Party, to dispose of the Merits of the respective Claims of such Parties, and to determine the same in a summary Manner, upon such Terms as they or he shall think fit to impose, and to make such other Rules and Orders therein as to Costs and all other Matters as may be just.

Special Case may be stated where Facts undisputed.

XV. In all Cases of Interpleader Proceedings, where the Question is one of Law, and the Facts are not in dispute, the Judge shall be at liberty, at his Discretion, to decide the Question without directing an Action or Issue, and, if he shall think it desirable, to order that a Special Case be stated for the Opinion of the Court.

Proceedings on Special Case in Court below and in Error.

XVI. The Proceedings upon such Case shall, as nearly as may be, be the same as upon a Special Case stated under "The Common Law Procedure Act, 1852;" and Error may be brought upon a Judgment upon such Case; and the Provisions of "The Common Law Procedure Act, 1854," as to bringing Error upon a Special Case, shall apply to the Proceedings in Error upon a Special Case under this Act.

Judgment and Decision when to be final.

XVII. The Judgment in any such Action or Issue as may be directed by the Court or Judge in any Interpleader Proceedings, and the Decision of the Court or Judge in a summary Manner, shall be final and conclusive against the Parties, and all Persons claiming by, from, or under them.

Rules, Orders, &c. made in Interpleader Proceedings may be entered of Record and made Evidence.

XVIII. All Rules, Orders, Matters, and Decisions to be made and done in Interpleader Proceedings under this Act (excepting only any Affidavits) may, together with the Declaration in the Cause, if any, be entered of Record, with a Note in the Margin expressing the true Date of such Entry, to the end that the same may be Evidence in future Times, if required, and to secure and enforce the Payment of Costs directed by any such Rule or Order; and every such Rule or Order

Order so entered shall have the Force and Effect of a Judgment in the Superior Courts of Common Law.

Procedure and Practice.

XIX. The Joinder of too many Plaintiffs shall not be fatal, but every Action may be brought in the Name of all the Persons in whom the legal Right may be supposed to exist; and Judgment may be given in favour of the Plaintiffs by whom the Action is brought, or of One or more of them, or, in case of any Question of Misjoinder being raised, then in favour of such One or more of them as shall be adjudged by the Court to be entitled to recover: Provided always, that the Defendant, though unsuccessful, shall be entitled to his Costs occasioned by joining any Person or Persons in whose Favour Judgment is not given, unless otherwise ordered by the Court or a Judge.

Joinder as Plaintiffs of all Persons supposed to be legally entitled.

XX. Upon the Trial of such Cause a Defendant who has therein pleaded a Set-off may obtain the Benefit of his Set-off by proving either that all the Parties named as Plaintiffs are indebted to him, notwithstanding that One or more of such Plaintiffs was or were improperly joined, or on proving that the Plaintiff or Plaintiffs who establish their Right to maintain the Cause is or are indebted to him.

Defendant to have Benefit of Set-off, though some Plaintiffs improperly joined.

XXI. No other Action shall be brought against the Defendant by any Person so joined as Plaintiff in respect of the same Cause of Action.

No other Action for same Claim to be brought.

XXII. The Provisions of an Act passed in the Session of Parliament held in the Nineteenth and Twentieth Years of the Reign of Her present Majesty, Chapter One hundred and eight, which relate to Replevin, shall be deemed and taken to apply to all Cases of Replevin, in like Manner as to the Cases of Replevin of Goods distrained for Rent or Damage feasant.

Provisions of 19 & 20 Vict. c. 108. as to Replevin extended to all Cases of Replevin.

XXIII. The Plaintiff in Replevin may in answer to an Avowry pay Money into Court in satisfaction, in like Manner and subject to the same Proceedings as to Costs and otherwise as upon a Payment into Court by a Defendant in other Actions.

Payment into Court in Replevin.

XXIV. Such Payment into Court in Replevin shall not, nor shall the Acceptance thereof by the Defendant in satisfaction, work a Forfeiture of the Replevin Bond.

Effect of such Payment.

XXV. In any Action brought upon a Bond which has a Condition or Defeazance to make void the same upon Payment of a lesser

Payment into Court in Action on Money

Bonds, and for Detainer.

lesser Sum at a Day or Place certain, with a Penalty, and in any Action for detaining the Goods of the Plaintiff, it shall be lawful for the Defendant, by Leave of the Court or a Judge, and upon such Terms as they or he shall think fit, to pay into Court a Sum of Money to answer the Claim of the Plaintiff in respect of such Bond in the former Case, and in the latter Case to the Value of the Goods alleged to be detained; and such Payment into Court shall be made and pleaded in like Manner, and according to the Provisions of "The Common Law Procedure Act, 1852;" and the like Proceedings may be had and taken thereupon as to Costs and otherwise.

Dower, Writ of Right of Dower, and Quare impedit abolished as Real Actions, and to be commenced by Writ of Summons.

XXVI. No Writ of Right of Dower or Writ of Dower unde nihil habet, and no Plaint for Free Bench or Dower in the Nature of any such Writ, and no Quare impedit, shall be brought after the Commencement of this Act in any Court whatsoever; but where any such Writ, Action, or Plaint would now lie, either in a Superior or in any other Court, an Action may be commenced by Writ of Summons issuing out of the Court of Common Pleas in the same Manner and Form as the Writ of Summons in an ordinary Action; and upon such Writ shall be endorsed a Notice that the Plaintiff intends to declare in Dower, or for Free Bench, or in Quare impedit, as the Case may be.

Writ, and all Proceedings thereupon, to be same as in ordinary Actions.

XXVII. The Service of the Writ, Appearance of the Defendant, Proceedings in default of Appearance, Pleadings, Judgment, Execution, and all other Proceedings and Costs upon such Writ, shall be subject to the same Rules and Practice, as nearly as may be, as the Proceedings in an ordinary Action commenced by Writ of Summons; and the Provisions of "The Common Law Procedure Act, 1852," and of "The Common Law Procedure Act, 1854," shall apply to the Writ and Pleadings, and Proceedings thereupon.

Judge may refuse to interfere in Proceedings to attach Debts.

XXVIII. In Proceedings to obtain an Attachment of Debts under "The Common Law Procedure Act, 1854," the Judge may, in his Discretion, refuse to interfere, where, from the Smallness of the Amount to be recovered, or of the Debt sought to be attached, or otherwise, the Remedy sought would be worthless or vexatious.

Proceedings where Third Person has a Lien on the Debt.

XXIX. Whenever in Proceedings to obtain an Attachment of Debts under the Act above mentioned it is suggested by the Garnishee that the Debt sought to be attached belongs to some Third Person who has a Lien or Charge upon it, the Judge may order such Third Person to appear before him, and state the Nature and Particulars of his Claim upon such Debt.

XXX. After

XXX. After hearing the Allegations of such Third Person under such Order, and of any other Person whom by the same or any subsequent Order the Judge may think fit to call before him, or in case of such Third Person not appearing before him upon such Summons, the Judge may order Execution to issue to levy the Amount due from such Garnishee, or the Judgment Creditor to proceed against the Garnishee, according to the Provisions of "The Common Law Procedure Act, 1854," and he may bar the Claim of such Third Person, or make such other Order as he shall think fit, upon such Terms, in all Cases, with respect to the Lien or Charge (if any) of such Third Person, and to Costs, as he shall think just and reasonable.

Judge may bar Claim of Third Person, and make Orders.

XXXI. The Provisions of "The Common Law Procedure Act, 1854," so far as they are applicable, shall apply to any Order, and the Proceedings thereon, made and taken in pursuance of the herein next before mentioned Powers under this Act.

Provisions of 17 & 18 Vict. c. 125. to apply to Orders.

XXXII. In all Cases in which a Writ of Mandamus or of Injunction is issued under the Provisions of "The Common Law Procedure Act, 1854," such Writ shall, unless otherwise ordered by the Court or a Judge, in addition to the Matter directed to be inserted therein, command the Defendant to pay to the Plaintiff the Costs of preparing, issuing, and serving such Writ; and Payment of such Costs may be enforced in the same Manner as Costs payable under a Rule of Court are now by Law enforceable.

Costs of Writs of Mandamus and Injunction may be included in Writs.

XXXIII. Writs of Injunction against a Corporation may be enforced either by Attachment against the Directors or other Officers thereof, as in the Case of a Mandamus, or by Writ of Sequestration against their Property and Effects, to be issued in such Form and tested and returnable in like Manner as Writs of Execution, and to be proceeded upon and executed in like Manner as Writs of Sequestration issuing out of the Court of Chancery.

Mode of enforcing Writs of Injunction against Corporations.

XXXIV. When the Plaintiff in any Action for an alleged Wrong in any of the Superior Courts recovers by the Verdict of a Jury less than Five Pounds, he shall not be entitled to recover or obtain from the Defendant any Costs whatever in respect of such Verdict, whether given upon any Issue or Issues tried, or Judgment passed by Default, in case the Judge or presiding Officer before whom such Verdict is obtained shall immediately afterwards certify on the Back of the Record, or on the Writ of Trial or Writ of Inquiry, that the Action was not really brought to try a Right besides the mere Right to recover Damages, and that the Trespass or Grievance in respect of which

Costs not recoverable in Action for Injury, and Verdict less than 5*l.*, if Judge certifies.

which the Action was brought was not wilful and malicious, and that the Action was not fit to be brought.

Enactment in lieu of Sect. 88. of 17 & 18 Vict. c. 125.

XXXV. The Eighty-eighth Section of "The Common Law Procedure Act, 1854," shall be and is hereby repealed; and from and after the passing of this Act the Superior Courts or any Judge thereof may, upon summary Application, by Rule or Order, exercise such and the like Jurisdiction as may be exercised by the Court of Chancery under the Provisions of the Ninth Part of "The Merchant Shipping Act, 1854."

Amendments.

XXXVI. It shall be lawful for the Superior Courts of Common Law, and every Judge thereof, and any Judge sitting at Nisi Prius, at all Times to amend all Defects and Errors in any Proceedings under the Provisions of this Act, whether there is anything in Writing to amend by or not, and whether the Defect or Error be that of the Party applying to amend or not; and all such Amendments may be made with or without Costs, and upon such Terms as to the Court or Judge may seem fit, and all such Amendments as may be necessary for the Purpose of determining in the existing Suit the real Question in controversy between the Parties shall be so made, if duly applied for.

General Rules may be made by the Judges.

XXXVII. It shall be lawful for the Judges of the said Courts, or any Eight or more of them, of whom the Chiefs of each of the said Courts shall be Three, from Time to Time to make all such General Rules and Orders for the effectual Execution of this Act and of the Intention and Object thereof, and for fixing the Costs to be allowed for and in respect of the Matters herein contained, and the Performance thereof, as in their Judgment shall be necessary or proper, and for that Purpose to meet from Time to Time as Occasion may require; provided that nothing herein contained shall be construed to restrain the Authority or limit the Jurisdiction of the said Courts or of the Judges thereof to make Rules or Orders, or otherwise to regulate and dispose of the Business therein.

New Forms of Writs and other Proceedings.

XXXVIII. Such new or altered Writs and Forms of Proceedings may be issued, entered, and taken as may by the Judges of the said Courts, or any Eight or more of them, of whom the Chiefs of each of the said Courts shall be Three, be deemed necessary or expedient for giving Effect to the Provisions herein-before contained, and in such Forms as the Judges of such Courts respectively shall from Time to Time think fit to order; and such Writs and Proceedings shall be acted upon and enforced in such and the same Manner as Writs and Proceedings of the said Courts are now acted upon and enforced, or

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as near thereto as the Circumstances of the Case will admit; and any existing Writ or Proceeding the Form of which shall be in any Manner altered in pursuance of this Act shall nevertheless be of the same Force and Virtue as if no Alteration had been made therein, except as far as the Effect thereof may be varied by this Act.

Interpretation of Terms.

XXXIX. In the Construction of this Act the Word "Court" shall be understood to mean any One of the Superior Courts of Common Law at *Westminster;* and the Word "Judge" shall be understood to mean a Judge or Baron of any of the said Courts; and the Word "Master" shall be understood to mean a Master of any of the said Courts; and the Word "Action" shall be understood to mean any Action in any of the said Courts.

Provisions relating to Superior Courts to apply to Court of Common Pleas at Lancaster and Court of Pleas at Durham.

XL. All the Enactments and Provisions of this Act shall extend and apply to the Court of Common Pleas at *Lancaster* and the Court of Pleas at *Durham*, and Actions and Proceedings therein respectively, subject to the following Modifications: All the Powers given by this Act to the Judges of the said Superior Courts of Common Law at *Westminster* to make General Rules and Orders shall and may be exercised by the respective Judges of the Court of Common Pleas at *Lancaster* and Court of Pleas at *Durham*, being Judges of One of the said Common Law Courts at *Westminster*, or any Two of them respectively, with respect to the said Court of Common Pleas at *Lancaster* and Court of Pleas at *Durham* respectively, and Matters and Proceedings therein within the Jurisdiction of the same Courts respectively; and all Powers under this Act exercisable by any One Judge of the Superior Courts at *Westminster* shall and may be exercisable by One Judge of the said Superior Courts of the said Counties Palatine, being also a Judge of One of the said Courts at *Westminster*, as to Matters and Proceedings in the said Superior Courts of the said Counties Palatine.

Provisions as to Masters of Courts at Westminster to apply to Prothonotaries of Palatinate Courts.

XLI. Provided always, That all the Provisions of this Act applicable to Masters of the said Courts at *Westminster* shall apply to the respective Prothonotaries of the Court of Common Pleas at *Durham* and their respective Deputies, who may singly exercise, with reference to Matters and Proceedings in the last-mentioned Courts respectively, the Powers hereby given to any One or more of the Masters of the Superior Courts at *Westminster*.

As to Proceedings in Appeal.

XLII. Provided also, as to Proceedings in Appeal, that the Court of Queen's Bench, being the Court of Error from the said Court of Common Pleas at *Lancaster* and Court of Pleas at *Durham*, shall

also

also be the Court of Appeal from the said respective Courts for the Purposes of this Act.

Commencement of Act.

XLIII. The Provisions of this Act shall come into operation on the Tenth Day of *October* in the Year of our Lord One thousand eight hundred and sixty.

Her Majesty may direct all or Part of this Act to extend to any Court of Record.

XLIV. It shall be lawful for Her Majesty, from Time to Time, by any Order in Council, to direct that all or any Part of the Provisions of this Act, or of the Rules to be made in pursuance thereof, shall apply to all or any Court or Courts of Record in *England* and *Wales*, and within One Month after such Order shall have been made and published in the *London Gazette* such Provisions and Rules respectively shall extend and apply in manner directed by such Order, and any such Order may be in like Manner from Time to Time altered and annulled; and in and by any such Order Her Majesty may direct by whom any Powers or Duties incident to the Provisions applied under this Act shall and may be exercised with respect to Matters in such Court or Courts, and may make any Order or Regulations which may be deemed requisite for carrying into operation in such Court or Courts the Provisions so applied.

Short Title.

XLV. In citing this Act in any Instrument, Document, or Proceeding it shall be sufficient to use the Expression "The Common Law Procedure Act, 1860."

Extent of Act.

XLVI. Nothing in this Act shall extend to *Ireland* or *Scotland*.

LONDON:
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ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

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Certificated Conveyancers, in manner herein-after mentioned: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Interpretation of Terms.

I. In the Construction of this Act, unless there be something in the Subject or Context repugnant to such Construction, the Word "Attorney" shall mean Attorney of One or more of the Superior Courts of Law at *Westminster*, or of the Court of Common Pleas of the County Palatine of *Lancaster*, or of the Court of Pleas of the County Palatine of *Durham*; the Word "Solicitor" shall mean Solicitor of the High Court of Chancery; the Word "Registrar" shall mean Registrar of Attorneys and Solicitors; the Expression "the Roll of Attorneys and Solicitors kept by the Registrar" shall mean the Roll or Book, Rolls or Books of Attorneys and Solicitors, which by the first herein-before mentioned Act the Registrar is required to keep; and the Expression "the Incorporated Law Society" shall mean "the Incorporated Society of Attorneys, Solicitors, Proctors, and others, not being Barristers, practising in the Courts of Law and Equity of the United Kingdom."

Persons having taken Degrees at certain Universities may be admitted after Three Years Service.

II. Section Seven of the first herein-before mentioned Act shall be repealed, and any Person having taken the Degree of Bachelor of Arts or Bachelor of Laws in the University of *Oxford*, *Cambridge*, *Dublin*, *Durham*, or *London*, or in the Queen's University in *Ireland* or the Degree of Bachelor of Arts, Master of Arts, Bachelor of Laws, or Doctor of Laws, in any of the Universities of *Scotland*, none of such Degrees being honorary Degrees, and who at any Time after having taken such Degree, and either before or after the passing of this Act, has been bound by and has duly served under Articles of Clerkship to a practising Attorney or Solicitor for the Term of Three Years, and has been examined and sworn in manner directed by the first herein-before mentioned Act and by this Act, may be admitted and enrolled as an Attorney or Solicitor, and Service for any Part of the said Term not exceeding One Year with the *London* Agent of such Attorney or Solicitor in the Business, Practice, or Employment of an Attorney or Solicitor, either by virtue of any Stipulation in such Articles, or with the Permission of such Attorney or Solicitor, shall be and be deemed to have been good Service under such Articles for such Part of the said Term; and where any Person has before the passing of this Act, and at any Time after having taken such Degree, been bound as aforesaid for Five Years, he may, after having duly served Three Years of such Term in such Manner as would have been required if he

he had been bound for Three Years only, and having been examined and sworn as aforesaid, and with the Consent in Writing (endorsed on his Articles of Clerkship) of the Attorney or Solicitor to whom he may be bound, to the immediate Determination of his Articles of Clerkship, be admitted and enrolled as an Attorney or Solicitor; and where such Consent is given as aforesaid, and acted upon under this Provision by the Person hereby made eligible to be admitted and enrolled as aforesaid, the Articles of Clerkship shall be deemed to have determined as if they had determined by Effluxion of Time.

Persons having been at the Bar may be admitted after Three Years Service.

III. Every Person who has been called to the Degree of Utter Barrister in *England*, and who, before becoming such Barrister, has been bound by Contract in Writing to serve as a Clerk for the Term of Five Years, or who, after ceasing to be a Barrister, has been bound by Contract in Writing to serve as a Clerk for the Term of Three Years, to a practising Attorney or Solicitor, and has in either of the said Cases continued in such Service for the Term of Three Years, and during the whole of such Three Years served in such Manner as is herein-before required in the Case of Persons who have taken Degrees in the said Universities, and having been examined and sworn as aforesaid, after the Expiration of such Term of Three Years (the Examination and Swearing taking place, in the first-mentioned Case, after the Person has ceased to be a Barrister), may be admitted and enrolled as an Attorney or Solicitor: Provided always, that in the Case of any such Person as aforesaid who has been bound for Five Years, it shall be necessary for such Term to be determined with Consent, as herein-before provided in the Case of Persons having taken Degrees, who may have been bound for Five Years before the passing of this Act.

Persons having been bonâ fide Clerks to Attorneys, Solicitors, or Proctors for Ten Years may be admitted after Three Years Service.

IV. Any Person who, either before or after the passing of this Act, shall for the Term of Ten Years have been a *bonâ fide* Clerk to an Attorney, Solicitor, or Proctor, or Attorneys, Solicitors, or Proctors, and during that Term shall have been *bonâ fide* engaged in the Transaction and Performance, under the Direction and Superintendence of such Attorney, Solicitor, or Proctor, or Attorneys, Solicitors, or Proctors of such Matters of Business as are usually transacted and performed by Attorneys, Solicitors, and Proctors, and who shall produce to the Examiners satisfactory Evidence that he has faithfully, honestly, and diligently served as such Clerk, and who after the Expiration of the said Term of Ten Years has been bound by and has duly served under Articles of Clerkship to a practising Attorney, Solicitor, or Proctor for the Term of Three Years, and has been examined and sworn in manner directed by the first herein-before mentioned Act

Act and by this Act, may be admitted and enrolled as an Attorney and Solicitor or Proctor, and Service for any Part of the said Term not exceeding One Year with the *London* Agent of such Attorney or Solicitor or Proctor in the proper Business, Practice, or Employment of an Attorney, Solicitor, or Proctor, either by virtue of any Stipulation in such Articles, or with the Permission of such Attorney, Solicitor, or Proctor, shall be and be deemed to have been good Service under such Articles for such Part of the said Term; and where any such Person has, before the passing of this Act, been bound for Five Years, he may, after having duly served Three Years of such Term in such Manner as would have been required if he had been bound for Three Years only, and having been examined and sworn as aforesaid, and with the Consent in Writing (endorsed on his Articles of Clerkship) of the Attorney, Solicitor, or Proctor to whom he may be bound, to the immediate Determination of his Articles of Clerkship, be admitted and enrolled as an Attorney and Solicitor; and where such Consent is given as aforesaid, and acted upon under this Provision by the Person hereby made eligible to be admitted and enrolled as aforesaid, the Articles of Clerkship shall be deemed to have determined as if they had determined by Effluxion of Time.

Judges may make Regulations for Persons who have passed certain Examinations before Articles to be admitted after Four Years Service.

V. The Lords Chief Justices of the Courts of Queen's Bench and Common Pleas, and the Lord Chief Baron of the Court of Exchequer, jointly with the Master of the Rolls, may, if they think fit, from Time to Time, by Regulations to be made by them, direct that any Person having successfully passed any Examination now or hereafter to be established in any of the Universities herein-before mentioned, and to be specified in such Regulations, may be admitted and enrolled as an Attorney or Solicitor, after having been subsequently bound by, and having duly served under, Articles of Clerkship to a practising Attorney or Solicitor for the Term of Four Years, and been examined and sworn as aforesaid; and the said Judges may from Time to Time revoke or alter such Regulations as they think fit, but not so as to allow a less Term of Service than Four Years.

Sect. 6. of 6 & 7 Vict. c. 73. extended to Persons articled for Four Years only.

VI. Section Six of the first herein-before mentioned Act shall apply as well to any Person bound as therein mentioned as a Clerk to a practising Attorney or Solicitor for the Term of Four Years only, where under the said Regulations that Term is sufficient, as to any Person so bound for the Term of Five Years, and shall be read and construed accordingly.

Articles of Clerkship to be produced

VII. The Contract or Articles whereby any Person shall be bound to serve as a Clerk to any Attorney or Solicitor, and also any Assignment

Assignment thereof, shall, within Three Months after the same has or have been respectively enrolled and registered pursuant to the first herein-before mentioned Act, be produced to the Registrar, who shall enter the Names of the Parties to and the Date of such Contract or Articles, and also of such Assignment, if any, and the Term of Service, in a Book to be kept for that Purpose, and the Registrar shall mark such Contract or Articles, and such Assignment, if any, as having been so produced and entered, with the Date thereof, and shall be entitled to receive a Fee of Five Shillings for the Entry of such Contract or Articles, and the like Fee for such Assignment, if any, and such Book shall be open to public Inspection during Office Hours without Fee or Reward; and in case such Contract or Articles, and such Assignment, if any, be not so produced to and entered by the Registrar as aforesaid within such Three Months as aforesaid, the Service of the Clerk shall be reckoned to commence from the Date of such Production and Entry, unless upon an Application, of which Notice shall be given to the Registrar, One of the Superior Courts of Law at *Westminster*, or a Judge thereof, or a Judge of the Court of Chancery, shall otherwise order.

to the Registrar, and entered within Three Months from Enrolment.

VIII. The Lords Chief Justices of the Courts of Queen's Bench and Common Pleas, and the Lord Chief Baron of the Court of Exchequer, jointly with the Master of the Rolls, may from Time to Time make Regulations for the Examination in such Branches of general Knowledge as they may deem proper of all Persons (not having taken Degrees, or successfully passed such University Examinations as aforesaid) hereafter becoming bound under Articles of Clerkship to Attorneys or Solicitors, and the said Judges by such Regulations may require such Examination to be passed either before Persons so become bound or at any Time before their Admission as Attorneys or Solicitors, as to the said Judges may seem fit, and the said Judges may from Time to Time revoke or alter any such Regulations as they think fit, and may from Time to Time appoint Examiners for conducting such Examination as aforesaid; and no Person required to pass such Examination shall be capable of being bound as aforesaid, where such Examination is required to be passed before being bound, or of being admitted as an Attorney or Solicitor where such Examination is permitted to be passed at any Time before Admission, unless before being bound or before being admitted (as the Case may require) he obtain from the Examiners a Certificate of having satisfactorily passed such Examination: Provided always, that the said Judges, or any One or more of them, may, where under special Circumstances they or he see fit so to do, dispense with Compliance with such Regulations entirely or partially, or subject to any such Conditions as to them or him may seem fit.

Judges may require Examination in general Knowledge, either before Articles or before Admission, with Power to dispense therewith in special Cases.

IX. The

Judges may require an Examination in legal Knowledge during Articles.

IX. The Lords Chief Justices of the Courts of Queen's Bench and Common Pleas, and the Lord Chief Baron of the Court of Exchequer, jointly with the Master of the Rolls, may from Time to Time, if they see fit, make Regulations for the Examination of Persons hereafter becoming bound under Articles of Clerkship as aforesaid, at such Times or Periods of their Service under such Articles as the said Judges may think fit and direct, in order to ascertain the Progress made by such Persons in acquiring the Knowledge necessary for rendering them fit and capable to act as Attorneys or Solicitors, and such Examination shall be conducted by the Examiners appointed under the first herein-mentioned Act, or such other Examiners as the said Judges may from Time to Time appoint in this Behalf; and the said Judges may by such Regulations, in the Case of Persons who fail to pass such Examination to the Satisfaction of the Examiners, postpone, either for a definite Time or such Time as the said Examiners may in each Case think proper, and either conditionally or otherwise, the Examination required to be passed at the Expiration of the Term of Service under Articles and before Admission.

Articled Clerks not to hold other Office or Employment.

X. No Person hereafter bound by Articles of Clerkship to any Attorney or Solicitor shall, during the Term of Service mentioned in such Articles, hold any Office or engage in any Employment whatsoever other than the Employment of Clerk to such Attorney or Solicitor, and his Partner or Partners (if any) in the Business, Practice, or Employment of an Attorney or Solicitor, save as by the first herein-before mentioned Act or this Act otherwise provided; and every Person bound as aforesaid shall, before being admitted an Attorney or Solicitor, prove by the Affidavit required under Section Fourteen of the first herein-before mentioned Act that he has not held any Office or engaged in any Employment contrary to this Enactment, and the Form of such Affidavit as aforesaid shall be varied by such Addition thereto as may be necessary for this Purpose.

Examination before Admission to extend to all Matters of Business usually transacted or performed by Attorneys or Solicitors.

XI. The Examination which under the first herein-before mentioned Act or this Act is authorized and required touching the Fitness and Capacity of a Person to act as an Attorney or as a Solicitor (as the Case may be), after the Expiration of the Term of his Service under Articles and before his Admission as an Attorney or Solicitor, shall be deemed to include such Examination touching his Fitness and Capacity to act in Matters of Business usually transacted or performed by Attorneys or Solicitors as the Examiners for the Time being deem proper, subject nevertheless to any Rules, Orders, or Regulations for conducting the said Examination to be from Time to Time made in manner provided by the first herein-before mentioned Act.

XII. When-

XII. Whenever any of the Periods of Three Years, Four Years, and Five Years mentioned in this Act or in the first herein-before mentioned Act (whether the same Period shall have commenced before or after the passing of this Act) shall expire in any Vacation, then and in such Case any Person whose Period of Clerkship shall so expire shall be at liberty to pass his Examination in the Term immediately preceding the said Vacation; and at any Time in or after such Vacation, and after the said Period of Clerkship shall have expired, the Master of the Rolls as to the Court of Chancery and any One of the Judges as to the Courts of Common Law at *Westminster*, on being satisfied by Affidavit or otherwise that the Period of Clerkship of such Person has expired, may proceed to administer to him the Oath mentioned in the first herein-before mentioned Act and the Oath of Allegiance, and may do all other Acts necessary for or towards the Admission and Enrolment of such Person as an Attorney and Solicitor as provided in the said last-mentioned Act.

Where the Three, Four, or Five Years expire in any Vacation, Examination may take place in Term preceding such Vacation.

XIII. No Person hereafter bound by Articles of Clerkship to any Attorney of the Court of Common Pleas of the County Palatine of *Lancaster*, or of the Court of Pleas of the County Palatine of *Durham*, shall be capable of being admitted and enrolled as an Attorney of such respective Court, unless after the Expiration of his Term of Service he have been examined touching his Articles and Service, and his Fitness and Capacity to act as an Attorney of Her Majesty's Superior Courts of Law at *Westminster*, or a Solicitor of the High Court of Chancery, in like Manner as is required before Admission as an Attorney of the said Courts of Law, or One of them, or a Solicitor of the Court of Chancery, and the Judge or Judges of such respective Court of the County Palatine of *Lancaster* or *Durham* be satisfied by such Examination, or the Certificate of the Examiners, of his being qualified to act as an Attorney or Solicitor: Provided always, that the Enactments contained in the Twelfth Section of this Act shall extend and apply, *mutatis mutandis*, to Persons hereafter bound by Articles of Clerkship to Attorneys of the Court of Common Pleas of the County Palatine of *Lancaster* and the Court of Pleas of the County Palatine of *Durham* respectively, and to the Judges of those Courts respectively.

Persons not to be admitted in Palatine Courts without Examination.

XIV. All Persons who previously to the passing of this Act shall have been duly admitted and enrolled Attorneys or Solicitors of the Courts of the Counties Palatine of *Lancaster* and *Durham*, or either of them, shall and may be admitted and enrolled Attorneys and Solicitors of the High Court of Chancery, and in Her Majesty's Superior Courts of Law at *Westminster*, in pursuance of the Provisions of this Act,

Attorneys or Solicitors of the Courts of Lancaster and Durham may be admitted to Court of

Chancery and Superior Courts of Law at Westminster.

Act, without further Examination, upon Payment of such Fees and Duty as by Law required: Provided always, that such Admission and Enrolment be perfected on or before the First Day of *Trinity* Term One thousand eight hundred and sixty-one.

Persons admitted as Writers to the Signet, &c., may be enrolled as Attorneys and Solicitors.

XV. Every Person who has been admitted and enrolled as a Writer to the Signet, or as a Solicitor in the Supreme Courts of *Scotland*, or as a Procurator before any of the Sheriff Courts of *Scotland*, and who, after being so admitted and enrolled, has been bound by and has duly served under Articles of Clerkship in *England* or *Wales* to a practising Attorney or Solicitor for the Term of Three Years, and has been examined and sworn in manner directed by the first herein-before mentioned Act and by this Act, may be admitted and enrolled as an Attorney and Solicitor; and Service for any Part of the said Term not exceeding One Year with the *London* Agent of such Attorney or Solicitor in the proper Business, Practice, or Employment of an Attorney or Solicitor, either by virtue of any Stipulation, or with the Permission of such Attorney or Solicitor, shall be and be deemed to have been good Service under such Articles for such Part of the said Term.

Provision as to Admission to Offices of Solicitors who have been Utter Barristers.

XVI. In every Case where by statutory Provision or by Custom the Qualification of a Solicitor or Attorney to hold any Office is his having been admitted and enrolled as an Attorney or Solicitor a prescribed Period, every Person who either before the passing of this Act has been or hereafter shall be called to the Degree of Utter Barrister in *England*, and who having been subsequently disbarred has been admitted and enrolled as an Attorney or Solicitor, shall, in lieu of such Qualification as aforesaid, be qualified to hold any such Office on the Completion of the prescribed Period, to be reckoned from the Date of such Person being called to the Degree of an Utter Barrister in *England*.

Officers having Custody of Roll of Attorneys and Solicitors to transmit to Registrar Copies of Enrolments at the End of each Term.

XVII. The Masters or other Officers having respectively the Custody of the Rolls or Books kept for the Enrolment of Attorneys or Solicitors in the Superior Courts of Law at *Westminster*, the Court of Chancery, the Court of the Duchy Chamber of *Lancaster* at *Westminster*, and the Courts of the Counties Palatine of *Lancaster* and *Durham*, shall, within Seven Days after the End of every Term, transmit to the Registrar, at the Expense of such Registrar, a Copy, under the Hands of such Masters or Officers respectively, or under the Seals of their respective Courts, of such Rolls or Books, so far as the same relate to Attorneys or Solicitors enrolled within such Term.

XVIII. From

Attorneys, Solicitors, Proctors, and Certificated Conveyancers.

XVIII. From and after the Fifteenth Day of *November* next after the passing of this Act, instead of separate annual stamped Certificates for Attorneys and Solicitors to be issued by the Commissioners of Inland Revenue as now required by Law, the Stamp Duties chargeable on such Certificates shall be denoted upon the Registrar's Certificates; and upon any such Certificate being stamped accordingly, and the Date of the Payment of the Duty certified by the proper Officer by Writing under his Hand, or by other sufficient Means, the same shall be and be deemed the proper stamped Certificate required by Law to be taken out by the Attorney or Solicitor named therein.

Registrar's Certificates to be made the stamped Certificates of the Commissioners of Inland Revenue.

XIX. For determining the Rate of Stamp Duty payable on the Certificate, the Place or Places where the Attorney or Solicitor shall carry on his Business shall be deemed to be the Place or Places of his Residence, within the Meaning of the Acts relating to the Stamp Duties on Certificates; and after the said Fifteenth Day of *November* the Declaration required to be delivered to the Registrar for the Purpose of obtaining his Certificate, and also the Certificate to be granted thereon, shall accordingly specify the Place or Places where the Attorney or Solicitor by or for whom the Certificate is required so carries on his Business, and shall respectively be in the Forms (A.) and (B.) contained in the Schedule to this Act.

The Amount of Stamp Duty to be determined by the Place of Business.

XX. The Declaration required to be made for the Purpose of obtaining the Registrar's Certificate shall be made out and signed in Duplicate, and One of such Duplicates shall be delivered to and left with the Registrar, and the other produced to him, and the Duplicate so produced, together with the Certificate granted on such Declaration, shall be left with the Commissioners, or their proper Officer, on applying to have the Certificate stamped, and shall be and be deemed the Note in Writing required by Law to be delivered to the Commissioners, or their Officer, to entitle the Attorney or Solicitor to a stamped Certificate; and for every such Certificate issued by the Registrar, and the previous requisite Search and Inquiry, there shall be paid to him the Sum of Five Shillings, and the Registrar shall yearly render an Account of all Sums of Money received in respect thereof, and of the Application of the same to the Lords Chief Justices of the Courts of Queen's Bench and Common Pleas, and the Lord Chief Baron of the Court of Exchequer, jointly with the Master of the Rolls, who may from Time to Time, by Order under their Hands, diminish such Sum as they think fit; and the said Lords Chief Justices and Lord Chief Baron, jointly with the Master of the Rolls, by Order under their Hands, may also fix and regulate the Fees to be taken for the several Examinations by this Act authorized to be instituted, and may increase

The Declaration, on applying for the Registrar's Certificate, to be in Duplicate, and One Copy to be left with the Commissioners.

Fees for Registrar's Certificate and for the Examinations.

increase or diminish such Fees from Time to Time: Provided always, that a Copy of such Account so rendered as aforesaid shall be open to the Inspection of any Attorney or Solicitor at the Hall of the Incorporated Law Society.

Certificate to be entered with the Registrar; the Commissioners to supply Particulars where stamped before 2d January.

XXI. For enabling the Registrar to enter upon the Roll of Attorneys and Solicitors kept by him a Note or Minute of the Time of stamping every Certificate, the Commissioners shall, whenever the same shall be required after the Fifteenth Day of *February* in every Year, furnish to the Registrar an Account of the Certificates issued between the Fifteenth Day of *November* and the Second Day of *January* preceding, for which during the same Period the Stamp Duties have been paid, specifying the Names and Places of Business of the Parties respectively to or for whom the same have been issued, and the Dates of Payment of the Stamp Duties; or in lieu of such Account, the Commissioners at their Option shall return to the Registrar the aforesaid Duplicate Declarations to which such Certificates relate, with a Note or Memorandum on each of them specifying the Date of Payment of the Stamp Duty for the Certificate; and the Registrar shall upon such Account being furnished, or such Duplicate Declarations being returned to him as aforesaid, enter such Note or Minute as aforesaid; and in order to such Entry being made in respect of Certificates stamped at any other Time, every such last-mentioned Certificate shall, within a Month of the Payment of the Duty, be produced to the Registrar, who shall thereupon make such Entry, and signify the same by a Note or Memorandum upon the Certificate; and every such last-mentioned Certificate which shall not be so produced within the said Period shall have effect only as a Qualification to practise from the Time when it shall be produced: Provided that it shall be lawful for the Master of the Rolls in the Case of a Solicitor, or One of the Superior Courts of Law at *Westminster* or One of the Judges thereof, in the Case of an Attorney, at any Time to make an Order directing that any Certificate not so produced shall have effect upon and from the Time of stamping the same, or any subsequent Period.

Where stamped after 1st January, Certificate to be produced by the Party, to be entered within a Month.

When Certificate to bear Date and when to determine.

XXII. Every Certificate issued by the Registrar between the Fifteenth Day of *November* and the Sixteenth Day of *December* in any Year shall bear Date on the Sixteenth of *November*, and shall take effect on that Day for all Purposes, provided it be stamped before the Sixteenth Day of *December*; and in every such Case the Sixteenth Day of *November* shall, for the Purpose of this Act, be deemed to be the Date of the Payment of the Duty; but if such Certificate be not so stamped, it shall take effect, as regards the Qualification to practise, on the Day on which it is stamped; and every

every Certificate issued at any other Time shall bear Date on the Day on which it is issued, and subject to the Provision herein contained relating to Certificates stamped after the First Day of *January* in any Year, and not produced within a Month to be entered by the Registrar, shall take effect as regards such Qualification on the Day on which it is stamped; and every Certificate shall be and continue in force from the Day on which it shall take effect as aforesaid, until the Fifteenth Day of *November* next following, inclusive, and no longer: And any List of Attorneys, Solicitors, and Conveyancers, purporting to be published by the Authority of the Commissioners of Inland Revenue, and to contain the Names of Attorneys, Solicitors, and Conveyancers who have obtained stamped Certificates for the current Year on or before the First Day of *January* in the same Year, shall, until the contrary be made to appear, be Evidence in all Courts, and before all Justices of the Peace and others, that the Persons named therein as Attorneys, Solicitors, or Conveyancers holding such Certificates as aforesaid for the current Year are Attorneys, Solicitors, or Conveyancers holding such Certificates; and the Absence of the Name of any Person from such List shall, until the contrary be made to appear, be Evidence as aforesaid that such Person is not qualified to practise as an Attorney, Solicitor, or Conveyancer under a Certificate for the current Year; but in the Case of any Person being an Attorney or Solicitor whose Name does not appear in such List, an Extract from the Roll of Attorneys and Solicitors kept by the Registrar, certified under the Hand of the Secretary of the Incorporated Law Society (while such Society performs the Duties of Registrar), or of the Registrar for the Time being, shall be Evidence as aforesaid of the Facts appearing in such Extract, and in the Case of any Person being a Conveyancer whose Name does not appear on such List, the Fact of his being so shall be proved in the Way in which it is now by Law required to be proved.

Law List to be primâ facie Evidence.

XXIII. If any Attorney or Solicitor after having at any Time taken out a stamped Certificate shall for the Space of a whole Year from and after the Expiration thereof have neglected to renew the same for the following Year, the Registrar shall not afterwards grant a Certificate to such Attorney or Solicitor, except under an Order of the Master of the Rolls in the Case of a Solicitor, or of One of the Superior Courts of Law at *Westminster*, or of One of the Judges thereof, in the Case of an Attorney; and it shall be lawful for the Master of the Rolls, or such Court or Judge, to direct the Registrar to issue a Certificate to such Person upon such Terms and Conditions as he or they shall think fit.

In case of Neglect for a Year to renew Certificate, Order of Court or Judge necessary.

XXIV. Where

Rule for striking Attorneys off the Roll to be entered with the Registrar.

XXIV. Where the Name of any Attorney or Solicitor is ordered to be struck off the Roll of Attorneys or Solicitors of any Court, on his own Application or on the Application of any other Person, the Rule or Order for that Purpose shall forthwith, and before the same is acted upon, be produced to the Registrar, and the Registrar shall enter a Note or Minute of such Rule or Order in connexion with the Name of such Attorney or Solicitor on the Roll of Attorneys and Solicitors kept by the Registrar, and shall strike such Name off such Roll, and shall mark such Rule or Order as having been entered.

An Attorney struck off the Roll of one of the Courts to be struck off the Rolls of other Courts.

XXV. The Name of every Person hereafter struck off the Roll of Attorneys of any of the Superior Courts of Law at *Westminster* by the Rule of any of such Courts, or off the Roll of Solicitors of the Court of Chancery by Order of any Judge of that Court, shall upon Production of an Office Copy of such Rule or Order, and an Affidavit of the Identity of the Person named therein, to the proper Officer of every or any other of the said Courts of which such Person is an Attorney or Solicitor, be struck off the Roll of such Court; and in case any such Person be at any Time thereafter restored to the Roll by the Rule of the Court or Order of any Judge of the Court, by the Rule of which or the Order of a Judge of which his Name was struck off such Roll, he shall upon Production of an Office Copy of the Rule or Order so restoring him, with an Affidavit of the Identity of the Person named therein, to the proper Officer of every or any such other Court, be restored to the Roll thereof without Payment of any Fee or Fine whatsoever.

Penalty for wrongfully acting as an Attorney or Solicitor.

XXVI. Every Person who acts as an Attorney or Solicitor contrary to the Enactment in Section Two of the first herein-before mentioned Act, or who in his own Name, or in the Name of any other Person, in anywise acts as a Proctor in or with respect to any Proceeding in the Court of Probate or the Court for Divorce and Matrimonial Causes, without being duly qualified so to act, shall be deemed guilty of a Contempt of the Court in which the Action, Suit, Cause, Matter, or Proceeding in relation to which he so acts is brought, had, or taken, and may be punished accordingly, and shall be incapable of maintaining any Action or Suit for any Fee or Reward for or in respect of anything done or any Disbursement made by him in the Course of so acting, and shall, in addition to any other Penalty or Forfeiture and to any Disability to which he may be subject, forfeit and pay for every such Offence the Sum of Fifty Pounds, to be recovered, with full Costs of Suit, by Action brought with the Sanction of Her Majesty's Attorney General, in the Name of the Incorporated Law Society,

Society, in any of the Superior Courts of Law at *Westminster*, or in any County Court, and such Penalty shall be applied in like Manner as Fines imposed for practising without a stamped Certificate are now by Law applicable.

Power to Court of Chancery to order Payment of Interest on Costs in certain Cases.

XXVII. Whenever a Decree or Order is made by the Court of Chancery, in which the Payment of any Costs previously taxed, either in the Suit or Proceeding in which such Decree or Order is made, or in any other Suit or Proceeding, is ordered, and whether the Certificate of such previous Taxation have been made before the passing of this Act, or be made thereafter, it shall be lawful for the Court or Judge making such Decree or Order to order and direct the Amount of such Costs, as taxed, including the Costs of Taxation as ascertained by the said Certificate, to be paid, with Interest thereon at the Rate of Four Pounds *per Centum per Annum*, from the Date of the Certificate, the Amount of such Interest to be verified by Affidavit, and to be payable and recoverable out of the same Fund or in the same Manner as the Amount of such Costs.

Power to Courts of Justice to charge Property recovered with Payment of Costs.

XXVIII. In every Case in which an Attorney or Solicitor shall be employed to prosecute or defend any Suit, Matter, or Proceeding in any Court of Justice, it shall be lawful for the Court or Judge before whom any such Suit, Matter, or Proceeding has been heard, or shall be depending, to declare such Attorney or Solicitor entitled to a Charge upon the Property recovered or preserved, and upon such Declaration being made such Attorney or Solicitor shall have a Charge upon and against and a Right to Payment out of the Property, of whatsoever Nature, Tenure, or Kind the same may be, which shall have been recovered or preserved through the Instrumentality of any such Attorney or Solicitor, for the taxed Costs, Charges, and Expenses of or in reference to such Suit, Matter, or Proceeding; and it shall be lawful for such Court or Judge to make such Order or Orders for Taxation of and for raising and Payment of such Costs, Charges, and Expenses out of the said Property as to such Court or Judge shall appear just and proper; and all Conveyances and Acts done to defeat, or which shall operate to defeat, such Charge or Right, shall, unless made to a *bonâ fide* Purchaser for Value without Notice, be absolutely void and of no Effect as against such Charge or Right: Provided always, that no such Order shall be made by any such Court or Judge in any Case in which the Right to recover Payment of such Costs, Charges, and Expenses is barred by any Statute of Limitations.

Provision for Costs in Matters of

XXIX. In every Case in which an Attorney or Solicitor has been or shall be employed to prosecute or oppose any Inquiry whether a

Lunacy in case of Death.

Person is a Lunatic, Idiot, or of unsound Mind, and incapable of managing himself or his Affairs, or in or about any Proceedings consequent upon such Inquiry, and the Costs of such Attorney or Solicitor have not been paid in the Lifetime of such Person, it shall be lawful for the Lord High Chancellor or the Lords Justices, or other the Person or Persons intrusted by Her Majesty with the Care and Commitment of the Custody of the Persons and Estates of Persons found idiot, lunatic, or of unsound Mind, to make such and the like Orders and to exercise the like Power and Authority for Taxation of and for raising and Payment of such Costs after the Death of such Person as could or might have been exercised or made in his Lifetime; and such Orders and Proceedings shall be as valid and effective to all Intents and Purposes as if made in the Lifetime of the Lunatic: Provided always, that it shall not be lawful for the Court or Judge to make any such Order but within Six Years next after the Right to recover such Costs, Charges, and Expenses shall have accrued.

All future Authorities to administer Oaths or take Acknowledgments to be registered.

XXX. Every Authority granted after the passing of this Act to any Attorney to administer Oaths and take Declarations and Affirmations in Matters depending in any of the Superior Courts of Law at *Westminster*, or in the Court of the Duchy Chamber of *Lancaster* at *Westminster*, or in any of the Courts of the Counties Palatine of *Lancaster* and *Durham*, and every Authority granted after the passing of this Act to any Solicitor to administer Oaths and take Declarations, Affirmations, and Attestations of Honour in Chancery, and whether any such Authority as aforesaid be to act in *England* or to act out of *England*, and every Appointment made after the passing of this Act of any Attorney or Solicitor under Section Eighty-one of the Act of the Session holden in the Third and Fourth Years of King *William* the Fourth, "for the Abolition of Fines and Recoveries, and for the Sub-"stitution of more simple Modes of Assurance," to be a perpetual Commissioner for taking Acknowledgments of married Women under that Act, shall, before any such Authority or Appointment is acted upon, be brought to the Registrar by the Person to whom the same is granted, or some Person on his Behalf, and the Registrar shall, in Books to be kept for that Purpose, enter the Particulars of every such Authority or Appointment, and for the Entry of every such Authority or Appointment the Registrar shall be paid by or on behalf of the Person having such Authority or Appointment the Sum of One Shilling, and the Registrar shall mark such Authority or Appointment as having been entered, and with the Date of the Entry, and such Books shall at all Times be open to public Inspection during Office Hours without Fee or Reward.

XXXI. For

Attorneys, Solicitors, Proctors, and Certificated Conveyancers.

XXXI. For enabling the Registrar to form a complete Register of all such Authorities and Appointments as aforesaid, as well those granted or made before the passing of this Act as those granted or made thereafter, the Principal Secretary of the Lord Chancellor, or other the Officer having the Care and Custody of the Lists of Authorities now in force for the Purposes aforesaid, so far as they relate to the Court of Chancery, and the Clerks of the Lord Chief Justices of the Courts of Queen's Bench and Common Pleas, and of the Lord Chief Baron of the Court of Exchequer, or other the Officers having the Care and Custody of the Lists of Authorities now in force for the Purposes aforesaid, so far as they relate to such Courts respectively, and the Officers of the Court of the Duchy Chamber of *Lancaster* at *Westminster*, and the Courts of the Counties Palatine of *Lancaster* and *Durham*, having the Care and Custody of the Lists of Authorities now in force for the Purposes aforesaid, so far as they relate to such Courts respectively, and the Officer of the Court of Common Pleas with whom the Certificates of the said Acknowledgments of married Women are lodged, so far as regards all Appointments now in force for taking the said Acknowledgments, shall severally, at the Expense of the Registrar, prepare and transmit to such Registrar, with all convenient Speed after the passing of this Act, a List of the Persons having such Authorities and Appointments as aforesaid, with the Particulars thereof, and the Places of Business of such Persons, and the Registrar shall enter the Particulars of all such Authorities and Appointments now in force in Books to be kept for that Purpose, which shall be open to Inspection as aforesaid.

Provisions for Registration of existing Authorities.

XXXII. All Regulations and Acts authorized by this Act to be made or done by the Chief Justices of the Courts of Queen's Bench and Common Pleas, and the Chief Baron of the Court of Exchequer, jointly with the Master of the Rolls, may be made or done by any Two of them the said Chief Justices and Chief Baron, jointly with the Master of the Rolls.

How Orders, &c. authorized by this Act may be made.

XXXIII. Nothing in this Act shall extend to repeal, prejudice, or affect any Provision in any Act of Parliament in anywise enabling any Person other than an Attorney or Solicitor to conduct, defend, or otherwise act in relation to any Suit, Matter, or Proceeding.

Saving Provisions enabling other than Attorneys to act.

XXXIV. From and after the Thirty-first Day of *October* next after the passing of this Act it shall not be lawful for the Commissioners of Inland Revenue, or any of their Officers, to grant or issue in any Year to any Person any such stamped Certificate as is required to be taken out by every Person who after the passing of this Act shall become a Member of One of the Four Inns of Court in *England* practising

Stamped Certificates not to be issued to Conveyancers under the Bar without the Benchers annual Permission.

practising under the Bar as a Conveyancer, unless and until he have left with the said Commissioners or their proper Officer an Order of the Benchers of the Inn of Court of which the Applicant is a Member, granting him Permission for that Year to take out such Certificate or a Copy of such Order certified under the Hand of their Treasurer, Sub-treasurer, or Steward: Provided always, that this Clause shall not extend or apply to any Person who at the Time of the passing of this Act shall be lawfully practising as a Certificated Conveyancer.

Act to extend to England and Wales.

XXXV. This Act shall only extend to *England* and *Wales*, save as herein otherwise expressly provided.

6 & 7 Vict. c. 73. and this Act to be as One.

XXXVI. The first herein-before mentioned Act and this Act shall be construed together as One Act.

SCHE-

SCHEDULES to which the Act refers.

SCHEDULE (A.)

FORM OF REGISTRAR'S CERTIFICATE.

PURSUANT to an Act passed in the Session of Parliament holden in the and Years of the Reign of Queen Victoria, intituled [*Title of this Act*], the Incorporated Law Society [*or the Name of the Registrar for the Time being*], the Registrar of Attorneys and Solicitors appointed under the Act of the Session holden in the Sixth and Seventh Years of Queen Victoria, "for consoli-" dating and amending several of the Laws relating to Attorneys " and Solicitors practising in England and Wales," hereby certifies, That Attorney-at-Law [*or* Solicitor in Chancery, *as the Case may be*], whose Place [*or* Places] of Business is [*or* are] at
hath this Day delivered and left with the Secretary of the said Society [*or* the said, *the Name of the Registrar for the Time being*] a Declaration in Writing, signed by the said Attorney [*or* Solicitor], [*or* by his Partner, *or* by his London Agent on his Behalf, *as the Case may be*], containing his Name, and Place or Places of Business, and the Court or One of the Courts of which he is admitted an Attorney or Solicitor, together with the Term and Year in or as of which he was so admitted; and the said Society [*or* the said, *the Name of the Registrar for the Time being*] hereby further certifies, that the said Attorney [*or* Solicitor] is duly enrolled in the Court of Queen's Bench at Westminster [*or as the Case may be*], [*or* a Solicitor in the High Court of Chancery], and is entitled to practise as such Attorney or Solicitor, upon this Certificate being duly stamped as required by Law. Given under the Hand of the Secretary of the Incorporated Law Society [*or* the said, *the Name of the Registrar for the Time being*], this Day of 18 .

Signature of the Secretary of the Incorporated Law Society [*or, Signature of the Registrar for the Time being*].

SCHEDULE (B.)

FORM OF ANNUAL DECLARATION FOR OBTAINING THE REGISTRAR'S CERTIFICATE.

No.

I HEREBY declare, That I [*or A. B.*] was admitted an Attorney of the Court of in Term, in the Year and that my [*or* his] Place or Places of Business are as follow:

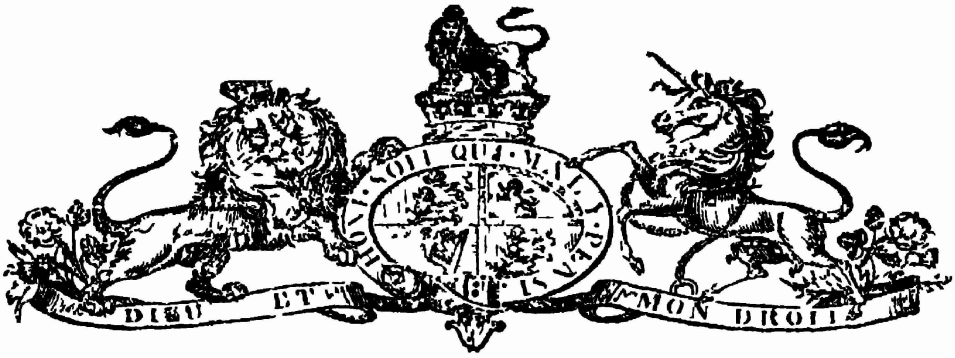
Dated this 18 .

A. B. [*or C. D.*, Partner (*or* London Agent) of the said *A.B.*]

To

The Registrar of Attorneys and Solicitors.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1860.



ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

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Power for Lord Chancellor and Judges to make General Rules and Orders for carrying Recommendations of the Chancery Evidence Commissioners Reports into effect.

I. The Lord Chancellor, with the Advice and Assistance of the Master of the Rolls, the Lords Justices of the Court of Appeal in Chancery, and the Vice-Chancellors, or any Three of them, may from Time to Time, as the Lord Chancellor with such Advice and Assistance as aforesaid may think fit, make General Rules and Orders for carrying the said Recommendations and Suggestions of the said Reports or any of them, or any Part thereof, into effect, and in relation to all Matters consequential thereon or incidental thereto, and so far as to them shall seem expedient for varying and adding to the Course of Proceeding recommended in the said Reports in respect of the Matters to which the said Reports relate; and such Rules and Orders may from Time to Time be rescinded or altered by the like Authority; and all such Rules and Orders shall take effect as if they had been General Rules and Orders of the Court duly made.

Such General Rules and Orders to be laid before Parliament.

II. Provided always, That all such General Rules and Orders as aforesaid shall immediately after the making and issuing thereof be laid before both Houses of Parliament, if Parliament be then sitting, or if Parliament be not then sitting within Five Days after the next Meeting thereof; and if either of the Houses of Parliament shall, by any Resolution passed within Thirty-six Days after such Rules or Orders have been laid before such Houses of Parliament, resolve that the whole or any Part of such Rules or Orders ought not to continue in force, in such Case the whole or such Part thereof as shall be so included in such Resolution shall from and after such Resolution cease to be binding.

Act not to abridge, &c. Powers of Lord Chancellor, &c. making General Orders.

III. Nothing herein contained shall be construed to abridge or affect the Powers of making General Rules and Orders which the Lord Chancellor, either alone or with such Advice and Assistance as aforesaid, might have exercised if this Act had not passed.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1860.

ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

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CAP. CXXIX.

An Act to grant Excise Duties on *British* Spirits and on Spirits imported from the *Channel Islands*.

[28th *August* 1860.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland* in Parliament assembled, towards raising the necessary Supplies to defray Your Majesty's public Expenses, and making an Addition to the Public Revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several Rates and Duties herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Duty on British Spirits.

I. There shall be charged, collected, and paid for the Use of Her Majesty, Her Heirs and Successors, for and upon every Gallon of Spirits of the Strength of Hydrometer Proof, which on or after the several Days respectively herein-after mentioned were or shall be distilled within the United Kingdom, or which, having been distilled within

Duty charged on British Spirits.

within the United Kingdom, were on the said several Days respectively in the Stock or Possession of any Distiller, or in any Duty-free Warehouse, or removing to such Warehouse, and were or shall be on or after the said several Days respectively taken out for Consumption within the United Kingdom, the several and respective Duties following; that is to say,

On and after the Twenty-ninth Day of *February* One thousand eight hundred and sixty, the Duty of Eight Shillings and One Penny;

And on and after the Seventeenth Day of *July* One thousand eight hundred and sixty, the Duty of Ten Shillings:

And so in proportion for any greater or less Degree of Strength, or any greater or less Quantity, in lieu of all other Duties of Excise now chargeable on such Spirits.

Duties on Channel Islands Spirits.

Duties on Channel Islands Spirits.

II. In lieu of the Duties of Excise now chargeable on Spirits manufactured or distilled in the Islands of *Guernsey*, *Jersey*, *Alderney*, and *Sark* respectively, and imported into the United Kingdom, there shall be charged, collected, and paid for the Use of Her Majesty, Her Heirs and Successors, on and after the respective Days herein-after mentioned, for and upon every Gallon of the Strength of Hydrometer Proof of all Spirits of the Nature or Quality of plain *British* Spirits manufactured or distilled in the said Islands respectively, and imported therefrom into the United Kingdom, the several and respective countervailing Duties of Excise following; that is to say,

On and after the Twenty-eighth Day of *March* One thousand eight hundred and sixty, the Duty of Eight Shillings and Sixpence;

And on and after the Seventeenth Day of *July* One thousand eight hundred and sixty, the Duty of Ten Shillings and Fivepence:

And so in proportion for any greater or less Degree of Strength or any greater or less Quantity:

All which said last-mentioned Duties shall be levied and collected by the Officers of Customs under the Direction of the Commissioners of Customs, who shall cause a separate Account to be kept and to be furnished to the Commissioners of Inland Revenue of all such Duties collected and received, and the Amount thereof shall from Time to Time be paid over to the Account of the Receiver General of Inland Revenue at the Bank of *England*, and shall be dealt with and applied in the same Manner as other Monies arising from Duties of Inland Revenue; and all such Spirits imported from any of the said Islands shall be subject to the same Laws and Regulations as Spirits imported from Foreign Parts, and shall be dealt with by the Commissioners

sioners and Officers of Customs in all respects as if the same had been so imported under the Laws relating to the Customs.

III. No Spirits other than Spirits of the Nature or Quality of plain *British* Spirits, as the same are respectively denominated and described in the Laws of Excise, the Produce or Manufacture of any of the said Islands, shall be imported into any Part of the United Kingdom, on pain of the Forfeiture thereof, and of all Casks or other Packages, and of the Vessel or Boat used in the Removal or Importation thereof, which may be seized by any Officer of Customs or Excise; and every Person who shall import or be concerned in the Importation of any Spirits contrary hereto shall incur the Penalty of One hundred Pounds; and every such Penalty and Forfeiture respectively may be sued for, recovered, and applied as any other Penalty or Forfeiture under any of the Laws of the Customs or Excise.

Spirits of the Nature of plain British Spirits only to be imported from the Channel Islands.

Allowances.

IV. In consideration of the Loss and Hindrance caused by Excise Regulations in the Distillation and Rectification of Spirits in the United Kingdom, there shall be paid to any Distiller or Proprietor of such Spirits on the Exportation thereof from a Duty-free Warehouse, or on depositing the same in a Customs Warehouse, on or after the Fifth Day of *March* One thousand eight hundred and sixty, the Allowance of Twopence *per* Gallon computed at Hydrometer Proof, and to any licensed Rectifier who on or after the said last-mentioned Day has or shall have deposited in a Customs Warehouse Spirits distilled and rectified in the United Kingdom the following Allowances; (that is to say,) on rectified Spirits of the Nature of *British* Compounds not exceeding Eleven Degrees over Proof as ascertained by *Sykes*'s Hydrometer an Allowance of Threepence *per* Gallon, and on Spirits of the Nature of Spirits of Wine an Allowance of Twopence *per* Gallon, such Gallons being computed respectively at Hydrometer Proof.

Allowances granted to Distillers and Rectifiers on Spirits exported.

V. The said several Duties and Allowances by this Act imposed and granted respectively shall be under the Management of the Commissioners of Inland Revenue, and shall be charged, raised, levied, collected, recovered, paid, and allowed respectively by the Ways, Means, and Methods provided by the several Acts in force relating to the Duties of Excise; and all such last-mentioned Acts, and all Fines, Forfeitures, and Penalties for any Offence against or in breach of any Act in force in relation to Duties of Excise, and the several Clauses, Provisions, Powers, and Directions contained in any such Act, shall (except as the same are altered, repealed, or

Duties, &c. to be under the Management of the Commissioners of Inland Revenue, and to be collected and paid under the Provisions of Acts relating to Excise.

or superseded by the express Provisions of this Act) extend to and shall respectively be applied, practised, and put in execution for and in respect of the said Duties and Allowances hereby imposed and granted respectively, in as full and ample a Manner to all Intents and Purposes as if the same respectively had been repeated and re-enacted in this Act with reference to the said Duties and Allowances respectively.

Where Contracts have been made, additional Duties to be added to the Price of the Articles contracted for.

VI. And whereas Contracts or Agreements may have been made for the Sale or Delivery of some of the Goods or Commodities on which increased or additional Duties of Excise are by this Act granted and imposed, which Contracts or Agreements may have been made with no Reference to such additional Duties, and thereby the several Contractors may be materially affected: For Remedy thereof be it enacted, That every Person who shall have made or entered into any such Contract or Agreement shall be and is hereby authorized and empowered, in the Case of any such Contract or Agreement, to add so much Money as will be equivalent to the increased or additional Duty hereby granted on any such Goods or Commodities respectively to the Price thereof, and shall be entitled by virtue of this Act to be paid and to sue for and recover the same accordingly.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1860.

ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

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CAP. CXXX.

An Act to enable the Secretary of State in Council of *India* to raise Money in the United Kingdom for the Service of the Government of *India*.

[28th *August* 1860.]

WHEREAS the Exigencies of the Public Service in *India* require that the Secretary of State in Council of *India* should be enabled to raise Money in the United Kingdom on the Credit of the Revenues of *India*: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power to the Secretary of State in Council of India to raise any Sum not exceeding Three Millions.

I. It shall be lawful for the Secretary of State in Council of *India*, at any Time or Times before the Thirtieth Day of *April* One thousand eight hundred and sixty-one, or, if Parliament be then sitting, before the End of the then Session of Parliament, to raise in the United Kingdom, for the Service of the Government of *India*, any Sum or Sums of Money not exceeding in the whole Three Millions, and such Sum or Sums may be raised by the Creation and Issue of Bonds or Debentures, or Capital Stock bearing Interest, or Annuities, or partly by one of such Modes and partly by another or others.

East India Loan.

Bonds may be issued under the Hands of Two Members of the Council, countersigned by Secretary of State or One Under Secretary.

II. All Bonds issued under the Authority of this Act may be issued under the Hands of Two Members of the Council of *India*, and countersigned by the Secretary of State for *India* or One of his Under Secretaries, or his Assistant Under Secretary, and shall be for such respective Amounts, payable after such Notice, and at such Rate or Rates of Interest, as the said Secretary of State in Council may think fit.

Debentures may be issued.

III. All Debentures issued under the Authority of this Act may be issued under the Hands of Two Members of the Council, and countersigned as aforesaid, for such respective Amounts, and at such Rate or Rates of Interest, as the Secretary of State in Council may think fit, and shall be issued at or for such Prices and on such Terms as may be determined by the Secretary of State in Council.

As to Payment of Principal and Interest on Debentures.

IV. All Debentures issued under the Authority of this Act shall be paid off at Par at a Time or Times to be mentioned in such Debentures respectively; and the Interest on all such Debentures shall be paid half-yearly on such Days as shall be mentioned therein; and the Principal Monies and Interest secured by such Debentures shall be payable either at the Treasury of the Secretary of State in Council in *London* or at the Bank of *England*.

Debentures transferable by Delivery or Deed;

Coupons by Delivery.

V. All or any Number of the Debentures issued under the Authority of this Act, and all Right to and in respect of the Principal and Interest Monies secured thereby, shall be transferable either by the Delivery of such Debentures respectively, or, at the Discretion of the Secretary of State in Council, by Deed; provided that the Coupons for Interest annexed to any Debenture issued under the Authority of this Act shall pass by Delivery.

Capital Stock and Annuities may be created and issued.

VI. Any Capital Stock created under the Authority of this Act shall bear such a Rate of Interest, and any Annuities to be created under the Authority of this Act shall be at such Rate *per Centum per Annum*, as the Secretary of State in Council may think fit; and such Capital Stock and such Annuities may be issued on such Terms as may be determined by the Secretary of State in Council; and any such Capital Stock may bear Interest during such Period, and be paid off at Par at such Time, as the Secretary of State in Council may prescribe previously to the Issue of such Capital Stock; and such Annuities may be terminable at such Period as the Secretary of State in Council may prescribe previously to the Issue of such Annuities.

Transfer Books of such Capital

VII. In case of the Creation and Issue of any such Capital Stock or of any such Annuities, there shall be kept, either at the Office of the

the Secretary of State in Council in *London* or at the Bank of *England*, Books wherein Entries shall be made of the said Capital Stock and Annuities respectively, and wherein all Assignments or Transfers of the same respectively, or any Part thereof respectively, shall be entered and registered, and shall be signed by the Parties making such Assignments or Transfers, or, if such Parties be absent, by his, her, or their Attorney or Attorneys thereunto lawfully authorized by Writing under his, her, or their Hands and Seals, to be attested by Two or more credible Witnesses; and the Person or Persons to whom such Transfer or Transfers shall be made may respectively underwrite his, her, or their Acceptance thereof; and no other Mode of assigning or transferring the said Capital Stock or the said Annuities, or any Part thereof respectively, or any Interest therein respectively, shall be good and available in Law, and no Stamp Duties whatsoever shall be charged on the said Transfers or any of them.

Stock and Annuities to be kept.

VIII. All Annuities created and issued under the Authority of this Act shall be deemed and taken to be Personal and not Real Estate, and shall go to the Executors or Administrators of the Person or Persons dying possessed thereof, interested therein, or entitled thereto, and not to the Heir-at-Law, nor be liable to any Foreign Attachment by the Custom of *London*, or otherwise.

Annuities Personal Estate.

IX. The whole Amount of the Principal Monies to be charged on the Revenues of *India* under this Act shall not exceed Three Millions; and no Money shall be raised or secured under the Authority of this Act after the said Thirtieth Day of *April* One thousand eight hundred and sixty-one, or, if Parliament be then sitting, after the End of the then Session of Parliament, save for or upon the Repayment of Principal Monies previously secured under this Act as herein-after provided.

The whole Amount charged on Revenue of India not to exceed Three Millions.

X. Upon or for the Repayment of any Principal Money secured under the Authority of this Act, the Secretary of State in Council may at any Time borrow or raise, by all or any of the Modes aforesaid, all or any Part of the Amount of Principal Money repaid or to be repaid, and so from Time to Time as all or any Part of any Principal Money under this Act may require to be repaid, but the Amount to be charged upon the Revenues of *India* shall not in any Case exceed the Principal Money required to be repaid.

Power to raise Money for Payment of Principal Money.

XI. All Bonds and Debentures to be issued under this Act, and the Principal Monies and Interest thereby secured, and all Capital Stock to be issued under this Act, and the Interest thereon, and all Annuities to be issued under this Act, shall be charged on and payable

Securities &c. to be charged on Revenues of India.

out

out of the Revenues of *India*, in like Manner as other Liabilities incurred on account of the Government of the said Territories.

Provisions as to Composition for Stamp Duties on India Bonds extended to Bonds and Debentures under this Act.

XII. The Provisions contained in Section Four of the Act of the Session holden in the Fifth and Sixth Years of King *William* the Fourth, Chapter Sixty-four, with respect to the Composition and Agreement for the Payment by the *East India* Company of an annual Sum in lieu of Stamp Duties on their Bonds, and the Exemption of their Bonds from Stamp Duties, shall be applicable with respect to the Bonds and Debentures to be issued under the Authority of this Act, as if such Provisions were here repeated and re-enacted with reference thereto.

Forgery of Debentures to be punishable as Forgery of East India Bonds.

XIII. All Provisions now in force in anywise relating to the Offence of forging or altering, or offering, uttering, disposing of, or putting off, knowing the same to be forged or altered, any *East India* Bond, with Intent to defraud, shall extend and be applicable to and in respect of any Debenture issued under the Authority of this Act, as well as to and in respect of any Bond issued under the same Authority.

Returns to be annually prepared of Monies raised on Loan, &c., and presented to Parliament.

XIV. Provided always, That on or before the First Day of *February* in each Year the said Secretary of State in Council shall prepare or cause to be prepared a Return of all Monies raised on Loan under the Provisions of this Act; also a Return of all Stocks, Loans, Debts, and Liabilities then chargeable on the Revenues of *India*, at home and abroad, up to the latest Period of Time to which such Return can be made out: That all such Returns shall be presented to both Houses of Parliament on or before the First Day of *February* in each Year, if Parliament is then sitting, and if Parliament is not sitting, then such Returns shall be presented within Ten Days of the First Meeting of Parliament after the First Day of *February* in each Year.

Saving Powers of the Secretary of State in Council.

XV. This Act shall not prejudice or affect any Power of raising or borrowing Money vested in the said Secretary of State in Council at the Time of passing thereof.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1860.

ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

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CAP. CXXXI.

An Act to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year One thousand eight hundred and sixty, and to appropriate the Supplies granted in this Session of Parliament.

[28th *August* 1860.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards making good the Supply which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to grant unto Your Majesty the Sums herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

There shall be applied for the Service of the Year 1860 the Sum of 21,183,089*l.* 10*s.* 8*d.* out of the Consolidated Fund.

I. There shall and may be issued and applied, for or towards making good the Supply granted to Her Majesty for the Service of the Year One thousand eight hundred and sixty, the Sum of Twenty-one million one hundred eighty three thousand and eighty-nine Pounds Ten Shillings and Eightpence, out of the Consolidated

dated Fund of the United Kingdom of Great Britain and Ireland, and the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland, or the Lord High Treasurer of the United Kingdom of Great Britain and Ireland, for the Time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

The Treasury may cause 21,183,089*l.* 10*s.* 8*d.* of Exchequer Bills to be made out in manner prescribed by 48 G. 3, c. 1., 4 & 5 W. 4. c. 15., and 5 & 6 Vict. c. 66.

II. It shall be lawful for the said Commissioners of Her Majesty's Treasury from Time to Time, by Warrant under their Hands, to cause or direct any Number of Exchequer Bills to be made out at the Receipt of Her Majesty's Exchequer at Westminster for any Sum or Sums of Money not exceeding in the whole the Sum of Twenty-one million one hundred eighty-three thousand and eighty-nine Pounds Ten Shillings and Eightpence; and such Exchequer Bills shall be made out in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions, as are directed and prescribed in an Act passed in the Forty-eighth Year of the Reign of His Majesty King George the Third, Chapter One, and in another Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of His late Majesty King William the Fourth, Chapter Fifteen, and in another Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, Chapter Sixty-six.

The Clauses, &c. in recited Acts extended to this Act.

III. All and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said Acts shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if particularly repeated and re-enacted in this Act.

Interest on Exchequer Bills.

IV. The Exchequer Bills to be made out in pursuance of this Act shall and may bear an Interest not exceeding the Rate of Threepence Halfpenny per Centum per Diem upon or in respect of the whole of the Monies respectively contained therein.

Bank of England may advance 21,183,089*l.* 10*s.* 8*d.* on the Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.

V. It shall and may be lawful for the Governor and Company of the Bank of England, and they are hereby empowered, to take, accept, and receive the Exchequer Bills authorized to be made out in pursuance of this Act, and to advance or lend to Her Majesty, at the Receipt of the Exchequer at Westminster, upon the Credit of the Sum granted by this Act, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, any Sum or Sums of Money not exceeding in the whole the Sum of Twenty-one million one hundred eighty-three thousand and eighty-nine Pounds Ten Shillings and Eightpence, anything in an Act passed in the Fifth and Sixth

Years

Years of the Reign of King William and Queen Mary, Chapter Twenty, or in any other Act or Acts, to the contrary notwithstanding.

VI. It shall be lawful for the said Commissioners of Her Majesty's Treasury, and they are hereby authorized and empowered, to cause such Exchequer Bills as shall be prepared by virtue of this Act to be delivered from Time to Time to the Governor and Company of the Bank of England, in such Proportions as the Public Service may require, as Security for any Advance or Advances which may be made to Her Majesty by the said Governor and Company of the Bank of England, under the Authority of this Act.

Bills prepared by virtue of this Act to be delivered to the Bank, as Security for such Advances.

VII. It shall be lawful for the said Commissioners of Her Majesty's Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be made out in pursuance of this Act to such Services as shall then have been voted by the Commons of the United Kingdom of Great Britain and Ireland in this present Session of Parliament.

Monies raised by Exchequer Bills to be applied to the Services voted by the Commons.

VIII. The Principal Sum or Sums of Money to be contained in all such Exchequer Bills to be made forth by virtue of this Act, together with the Interest that may become due thereon, shall be and the same are hereby made chargeable and charged upon the growing Produce of the Consolidated Fund of the United Kingdom of Great Britain and Ireland at any Period not later than the next succeeding Quarter to that in which the said Exchequer Bills have been issued; and it shall be lawful for the said Commissioners of Her Majesty's Treasury for the Time being, and they are hereby authorized, from Time to Time, by Warrant under their Hands, to direct the Comptroller General of the Receipt of the Exchequer at Westminster, in such Manner as they shall think necessary, to grant a Credit on the Exchequer Funds in the Bank of England unto such Person or Persons as shall be named in the said Warrant, for any Sum or Sums of Money not exceeding in the whole a Sum sufficient to discharge and pay off the Principal Sum or Sums of Money contained in such Exchequer Bills then outstanding, and which may have been made out and issued by virtue of this Act, together with all such Interest as may be due thereupon.

Exchequer Bills made chargeable upon the growing Produce of the Consolidated Fund.

IX. There shall and may be issued and applied, for or towards making good the Supply granted to Her Majesty for the Service of the Year One thousand eight hundred and sixty, the Sum of One million seven hundred and ten thousand and eighty-four Pounds Nine Shillings and Fourpence, being the Surplus of Ways and Means granted for the Service of preceding Years, and the Commissioners of Her Majesty's Treasury are hereby authorized and empowered to issue and apply the same accordingly.

Treasury may apply, for the Service of the Year 1860, 1,710,084*l.* 9*s.* 4*d.* Surplus of Ways and Means.

X. All

Appropriation of Ways and Means to Services hereafter expressed.

23 Vict. c. 2.

23 Vict. c. 12.

23 Vict. c. 20.

23 Vict. c. 3.

23 Vict. c. 25.

23 & 24 Vict. c. 103.

X. All the Monies coming into the Exchequer of the United Kingdom of Great Britain and Ireland by an Act passed in this Session of Parliament, intituled "An Act to apply the Sum of Four hundred "and seven thousand six hundred and forty-nine Pounds out "of the Consolidated Fund to the Service of the Year ending the "Thirty-first Day of March One thousand eight hundred and sixty;" and also the Sum of Eight hundred and fifty thousand Pounds, granted by One other Act passed in this Session of Parliament, intituled "An Act to apply the Sum of Eight hundred and fifty "thousand Pounds out of the Consolidated Fund to the Service of "the Year ending the Thirty-first Day of March One thousand eight "hundred and sixty;" and also the Sum of Thirteen million two hundred and thirty thousand Pounds, granted by One other Act passed in this Session of Parliament, intituled "An Act for raising "the Sum of Thirteen million two hundred and thirty thousand "Pounds by Exchequer Bills for the Service of the Year One thou-"sand eight hundred and sixty;" and also the Sum of Four million five hundred thousand Pounds granted by One other Act passed in this Session of Parliament, intituled "An Act to apply the Sum of "Four million five hundred thousand Pounds out of the Consolidated "Fund to the Service of the Year One thousand eight hundred and "sixty;" and also the Sum of Nine million five hundred thousand Pounds granted by One other Act passed in this Session of Parliament, intituled "An Act to apply the Sum of Nine million five "hundred thousand Pounds out of the Consolidated Fund to the "Service of the Year One thousand eight hundred and sixty;" and also the Sum of Ten millions granted by One other Act passed in this Session of Parliament, intituled "An Act to apply the Sum "of Ten Millions out of the Consolidated Fund to the Service of the "Year One thousand eight hundred and sixty;" and also the respective Sums of Twenty-one million one hundred eighty-three thousand and eighty-nine Pounds Ten Shillings and Eightpence, and One million seven hundred and ten thousand and eighty-four Pounds Nine Shillings and Fourpence by this Act granted, amounting in the aggregate to the Sum of Forty-eight million one hundred fifty thousand eight hundred and twenty-three Pounds in Money, and to the Sum of Thirteen million two hundred and thirty thousand Pounds in Exchequer Bills, shall be further appropriated, and are hereby appropriated, and shall be issued and applied for or towards the several Uses and Purposes hereafter expressed.

There shall be issued 12,836,100*l.* for Navy Services; viz.:

XI. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Twelve million eight hundred thirty-six thousand and one hundred Pounds, for or towards the Navy Services herein-after more particularly mentioned; (that is to say,) any Sum or Sums of Money

Money not exceeding Three million four hundred seventy-six thousand seven hundred and fifty-seven Pounds, to defray the Charge of Wages to Eighty-five thousand five hundred Seamen and Marines, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding One million four hundred fifty-eight thousand and eighty-seven Pounds, to defray the Charge of Victuals to Seamen and Marines, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding One hundred sixty thousand two hundred and eighty Pounds, to defray the Salaries of the Officers and the contingent Expenses of the Admiralty Office, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Two hundred eighty-seven thousand seven hundred and twenty-five Pounds, to defray the Salaries and Expenses of the Coast Guard Service, the Charges for the Royal Naval Coast Volunteers, and Royal Naval Reserve, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Sixty-four thousand three hundred and twenty-two Pounds, to defray the Salaries of the Officers and the contingent Expenses of the several scientific Departments of the Navy, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding One hundred seventy-two thousand seven hundred and seventy-eight Pounds, to defray the Salaries of the Officers and the contingent Expenses of Her Majesty's Naval Establishments at home, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Thirty thousand nine hundred and fifty-three Pounds, to defray the Salaries of the Officers and the contingent Expenses of Her Majesty's Naval Establishments abroad, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding One million four hundred forty thousand six hundred and eighty-one Pounds, to defray the Charge of Wages to Artificers, Labourers, and others employed in Her Majesty's Naval Establishments at home, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Sixty-three thousand six hundred and eighty-six Pounds, to defray the Charge of Wages to

3,476,757*l.* for Wages to 85,500 Seamen and Marines, &c.;

1,458,087*l.* for Victuals, &c. in the Navy;

160,280*l.* for Salaries, &c. in Admiralty Office;

287,725*l.* for Salaries, &c. of Coast Guard, Naval Coast Volunteers, and Naval Reserve;

64,322*l.* for the Navy Scientific Departments;

172,778*l.* for Naval Establishments at home;

30,953*l.* for Naval Establishments abroad;

1,440,681*l.* for Wages of Artificers, &c. at home;

63,686*l.* for Wages to Artificers, &c. abroad;

to Artificers, Labourers, and others employed in Her Majesty's Naval Establishments abroad, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Three million two hundred and four thousand four hundred and thirty-four Pounds, to defray the Expense of Naval Stores for the Building, Repair, and Outfit of the Fleet, the Purchase of Steam Machinery, and for other Purposes connected therewith, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Two thousand five hundred Pounds, for the Extension of the Malta Harbour; and any Sum or Sums of Money not exceeding Four hundred forty-four thousand and forty-nine Pounds, to defray the Charge of new Works, Improvements, and Repairs in Naval Establishments, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Seventy-three thousand Pounds, to defray the Charge of Medicines and Medical Stores, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Ninety-two thousand seven hundred and fifty Pounds, to defray the Charge of divers Naval Miscellaneous Services, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Six hundred seventy-nine thousand two hundred and sixty-two Pounds, to defray the Charge of Half Pay, Reserved Half Pay, and Retirement to Officers of the Navy and Royal Marines, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Four hundred eighty-eight thousand eight hundred and six Pounds, to defray the Charge of Military Pensions and Allowances, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding One hundred seventy-three thousand and thirty Pounds, to defray the Charge of Civil Pensions and Allowances, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Four hundred and seventy-eight thousand Pounds, to defray the Charge for the Freight of Ships, for the victualling and Conveyance of Troops, on account of the Army, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand

3,204,434*l.* for Naval Stores, &c.;

2,500*l.* for Malta Harbour;

444,049*l.* for new Works in Naval Establishments;

73,000*l.* for Medicines, &c.;

92,750*l.* for Naval Miscellaneous Services;

679,262*l.* for Naval Half Pay, &c.;

488,806*l.* for Military Pensions;

173,030*l.* for Civil Pensions;

478,000*l.* for Freight of Ships, Victualling, and Conveyance of Troops, &c.;

thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Twelve thousand Pounds, to defray the Charge of Retirement to Officers of the Navy, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Thirty-three thousand Pounds, to defray the Charge of a Grant to the Officers, Seamen, and Marines employed in the late Naval Operations in China.

12,000*l.* for Retirement to Naval Officers;

33,000*l.* for Grant to Officers, Seamen, &c. for Operations in China.

XII. And whereas, in order to provide for the Exigencies of the Army Services, it has been necessary to incur an Expenditure for Army Services beyond the Grants for the Year ended on the Thirty-first Day of March One thousand eight hundred and fifty-nine, amounting to Four hundred and seven thousand six hundred and forty-nine Pounds: Be it therefore enacted, That, out of all or any the Aids or Supplies aforesaid, there shall and may be issued and applied any Sum or Sums of Money not exceeding Four hundred and seven thousand six hundred and forty-nine Pounds, to make good the Deficiency of certain Army Grants for the Year ended the Thirty-first Day of March One thousand eight hundred and fifty-nine.

There shall be issued 407,649*l.* for Army Services, 1858-9.

XIII. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Six million sixty-five thousand one hundred and sixty-one Pounds, for defraying the Charge for Wages of Artificers, Labourers, and others employed at home and abroad, and the Charge of the Supplies of Clothing and Necessaries, Provisions, Forage, Fuel and Light, Barrack Furniture, Bedding, &c., and the Charge of Stores for Land and Sea Service, and the Charge of Fortifications, Works, Buildings, and Barracks at home and abroad, herein-after more particularly mentioned; (that is to say,) any Sum or Sums of Money not exceeding Eight hundred sixty-five thousand two hundred and thirty-four Pounds, to defray the Charge of the Wages of Artificers, Labourers, &c., which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Three hundred and twenty-four thousand Pounds, to defray the Charge of Clothing and Necessaries, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding One million two hundred seventy-eight thousand three hundred and seventy-seven Pounds, to defray the Charge of Provisions, Forage, Fuel and Light, Barrack Furniture, Bedding, &c., which will come in course of Payment during the Year ending on the Thirty-first Day of March

There shall be issued 6,065,161*l.* for Army Services, viz.:

865,234*l.* for Wages of Artificers, &c.

324,000*l.* for Clothing and Necessaries;

1,278,377*l.* for Provisions, Barrack Furniture, &c.;

2,088,088*l.* for Stores for Land and Sea Service;

March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Two million eighty-eight thousand and eighty-eight Pounds, to defray the Charge of Warlike Stores for Land and Sea Service, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-one;

595,355*l.* for Fortifications;

and any Sum or Sums of Money not exceeding Five hundred ninety-five thousand three hundred and fifty-five Pounds, to defray the Charge of Fortifications at home and abroad, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-one;

206,500*l.* for Works, Buildings, &c.;

and any Sum or Sums of Money not exceeding Two hundred and six thousand and five hundred Pounds, to defray the Charge of Civil Buildings at home and abroad, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-one;

707,607*l.* for Barracks;

and any Sum or Sums of Money not exceeding Seven hundred and seven thousand six hundred and seven Pounds, to defray the Charge of Barracks at home and abroad, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-one;

9,247,514*l.* for other Army Services, viz.:

and any Sum or Sums of Money not exceeding Nine million two hundred forty-seven thousand five hundred and fourteen Pounds for defraying all the other Army Services herein-after more particularly mentioned; (that is to say,)

4,736,701*l.* for Pay, &c. of Land Forces, exclusive of India;

any Sum or Sums of Money not exceeding Four million seven hundred thirty-six thousand seven hundred and one Pounds, to defray the Charge of the Pay and Allowances of Her Majesty's Land Forces at home and abroad, exclusive of India, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-one;

620,285*l.* for Miscellaneous Charges of ditto;

and any Sum or Sums of Money not exceeding Six hundred twenty thousand two hundred and eighty-five Pounds, to defray the Charge of the Miscellaneous Charges of Her Majesty's Land Forces at home and abroad, exclusive of India, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-one;

320,000*l.* for Embodied Militia;

and any Sum or Sums of Money not exceeding Three hundred and twenty thousand Pounds, to defray the Charge of the Embodied Militia of Great Britain and Ireland, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-one;

68,000*l.* for Volunteer Corps;

and any Sum or Sums of Money not exceeding Sixty-eight thousand Pounds, to defray the Charge of Volunteer Corps in Great Britain, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-one;

196,224*l.* for Departments of Secretary

and any Sum or Sums of Money not exceeding One hundred ninety-six thousand two hundred and

and twenty-four Pounds, to defray the Charge of the Departments of the Secretary of State for War, and of the General Commanding in Chief, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Three hundred seventy-four thousand and five Pounds, to defray the Charge of the Manufacturing Departments, Military Storekeepers, Barrack Masters, &c. which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Five hundred twenty thousand one hundred and twenty-nine Pounds towards defraying the Charge of the Disembodied Militia of Great Britain and Ireland, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Two hundred seventy-seven thousand five hundred and forty-seven Pounds, to defray the Charge of the Educational and Scientific Branches, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Twenty-five thousand three hundred and ninety Pounds, to defray the Charge of Rewards for Military Service, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Seventy-five thousand eight hundred and sixty Pounds, to defray the Charge of the Pay of General Officers, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Four hundred ninety-two thousand three hundred and fifty-seven Pounds, to defray the Charge of the Pay of Reduced and Retired Officers, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding One hundred eighty-four thousand five hundred and twenty-three Pounds, to defray the Charge of Pensions to Widows of Officers, and of Allowances on the Compassionate List, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Forty-four thousand one hundred and twenty-three Pounds, to defray the Charge of Pensions and Allowances to Officers for Wounds, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Thirty thousand six

for War and Commander-in-Chief;

374,005*l.* for Manufacturing Departments, Military Storekeepers, &c.;

520,129*l.* for Disembodied Militia of Great Britain and Ireland;

277,547*l.* for Educational and Scientific Branches;

25,390*l.* for Rewards of Military Services;

75,860*l.* for General Officers;

492,357*l.* for Reduced and Retired Officers;

184,723*l.* for Pensions to Widows of Officers, and Compassionate List;

44,123*l.* for Pensions, &c. to wounded Officers;

30,638*l.* for In-Pensioners,

&c. of Chelsea and Kilmainham Hospitals;

hundred and thirty-eight Pounds, to defray the Charge of Chelsea and Kilmainham Hospitals, and the In-Pensioners thereof, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-one;

1,144,895*l.* for Out-Pensioners of Chelsea Hospital;

and any Sum or Sums of Money not exceeding One million one hundred forty-four thousand eight hundred and ninety-five Pounds, to defray the Charge of the Out-Pensioners of Chelsea Hospital, &c., which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-one;

136,837*l.* for Superannuation and Retired Allowances.

and any Sum or Sums of Money not exceeding One hundred thirty-six thousand eight hundred and thirty-seven Pounds, to defray the Charge of Superannuation and Retired Allowances, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-one.

There shall be issued 850,000*l.* for Navy and Military Operations in China in 1859-60.

XIV. And whereas, in order to provide for the Exigencies of the Naval and Military Operations in China, it has been necessary to incur an Expenditure amounting to Eight hundred and fifty thousand Pounds beyond the ordinary Grants for Navy and Army Services for the Year One thousand eight hundred and fifty-nine—sixty: Be it therefore enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Eight hundred and fifty thousand Pounds towards defraying the Expenses of the Naval and Military Operations in China beyond the ordinary Grants for Navy and Army Services for the Year One thousand eight hundred and fifty-nine—sixty.

There shall be issued 3,356,104*l.* for Naval and Military Operations in China, 1860-1.

XV. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Three million three hundred fifty-six thousand one hundred and four Pounds, towards defraying the Expenses of Naval and Military Operations in China beyond the ordinary Grants for Army and Navy Services for the Year One thousand eight hundred and sixty—sixty-one.

There shall be issued 443,896*l.* for Repayment to India Government of Advances.

XVI. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Four hundred forty-three thousand eight hundred and ninety-six Pounds, for Repayment to the Government of India of Advances on account of former Expeditions to China.

There shall be issued 13,230,000*l.* for Exchequer Bills.

XVII. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Thirteen million two hundred and thirty thousand Pounds, to

to pay off and discharge Exchequer Bills charged on the Aids of One thousand eight hundred and sixty unprovided for.

XVIII. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding One million Pounds, to pay off and discharge Exchequer Bonds payable on the Eighth Day of November One thousand eight hundred and sixty.

There shall be issued 1,000,000*l.* for Exchequer Bonds.

XIX. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding One hundred and twenty-five thousand Pounds, to defray the Charge of Civil Contingencies to the Thirty-first Day of March One thousand eight hundred and sixty-one.

There shall be issued 125,000*l.* for Civil Contingencies

XX. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Eight hundred fifty-five thousand two hundred Pounds, to defray the Salaries and Expenses of the Customs Department, which will come in course of Payment during the Year ending the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding One million four hundred ninety thousand eight hundred and thirteen Pounds, to defray the Salaries and Expenses of the Inland Revenue Department, which will come in course of Payment during the Year ending the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Two million one hundred and eight thousand five hundred and eighty-one Pounds, to defray the Charges for Post Office Services, and the Collection of the Revenue, which will come in course of Payment during the Year ending the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding One million sixty-nine thousand seven hundred and seventy-eight Pounds, to defray the Charge of the Packet Service, and of carrying into effect the Contract for the Conveyance of Mails between Galway and Ports in America, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Four hundred seventy-seven thousand eight hundred and thirty-eight Pounds, to defray the Charge for Superannuations and Compensation Allowances, Pensions, and other non-effective Charges in the Departments of Customs, Inland Revenue, and Post Office, which will come in course of Payment during the Year ending the Thirty-first Day of March One thousand eight hundred and sixty-one.

There shall be issued 855,200*l.* for Customs Department;

1,490,813*l.* for Inland Revenue Department;

2,108,581*l.* for Post Office, &c.;

1,069,778*l.* for Packet Service, &c.;

477,838*l.* for Superannuations, &c., Customs, Inland Revenue, and Post Office.

CIVIL

Civil Services. Class 1.

There shall be issued 44,595*l.* for Repair of Royal Palaces;

118,329*l.* for Maintenance &c. of Public Buildings, temporary Accommodation, &c.;

23,000*l.* for Furniture for Public Departments;

37,097*l.* for New Houses of Parliament;

100,440*l.* for Maintenance, &c. of Royal Parks, Pleasure Grounds, &c.;

5,000*l.* for Probate Courts and District Registries;

3,635*l.* for Embassy Houses, &c., abroad;

8,450*l.* for new Consular Offices and Prison at Constantinople;

160,000*l.* for Harbours of Refuge;

30,000*l.* for New Packet Harbour and Harbour of Refuge at Holyhead;

Civil Services.—*Class* 1.

XXI. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Forty-four thousand five hundred and ninety-five Pounds, to defray the Expense of Maintenance and Repair of the Royal Palaces to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding One hundred eighteen thousand three hundred and twenty-nine Pounds, to defray the Expense of Maintenance and Repair of Public Buildings, for providing the necessary Supply of Water for the same, for Rents of Houses for the temporary Accommodation of Public Departments, and Charges attendant thereon, to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Twenty-three thousand Pounds, to defray the Charge for the Supply and Repair of Furniture in the various Public Departments to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Thirty-seven thousand nine hundred and ninety-seven Pounds, to defray the Charge for Works and Expenses at the New Houses of Parliament to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding One hundred thousand four hundred and forty Pounds, to defray the Expense of maintaining and keeping in repair the Royal Parks, Pleasure Grounds, &c., and other Charges connected therewith, to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Five thousand Pounds, to defray Expenses connected with the Establishment and Maintenance of the Probate Court and Registries to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Three thousand six hundred and thirty-five Pounds, to defray the Expense of Maintenance and Repairs to Embassy Houses, &c. abroad to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Eight thousand four hundred and fifty Pounds, to defray the Expense of enlarging and completing the New Consular Offices, &c., and the Prison at Constantinople, to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding One hundred and sixty thousand Pounds, towards defraying the Expense of constructing certain Harbours of Refuge to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Thirty thousand Pounds, on account of the Works at the New Packet Harbour and Harbour of Refuge at

at Holyhead to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Four hundred and one Pounds, to defray the Expense of the Pay of the Establishment and the necessary Works at Port Patrick Harbour to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Seven thousand two hundred and twenty-six Pounds, to defray the Charge for Works and the Establishment of Kingstown Harbour to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Eighty thousand one hundred and seventeen Pounds, to defray the Expense of erecting, repairing, and maintaining the several Public Buildings in the Department of the Commissioners of Public Works in Ireland to the Thirty-first Day of March One thousand eight hundred and sixty-one.

401*l.* for Pay, &c. at Port Patrick Harbour;

7,226*l.* for Works, &c. of Kingstown Harbour.

80,117*l.* for erecting, &c. Buildings, Public Works, Ireland.

CIVIL SERVICES.—*Class* 2.

CIVIL SERVICES. *Class* 2.

XXII. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Eighty-seven thousand four hundred and eighty-five Pounds, to pay the Salaries and Expenses in the Offices of the Two Houses of Parliament, and Allowances to retired Officers, to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Fifty-three thousand and ninety-five Pounds, to pay the Salaries and Expenses of the Department of Her Majesty's Treasury to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Twenty-five thousand six hundred and eighty-seven Pounds, to pay the Salaries and Expenses of the Office of Her Majesty's Secretary of State for the Home Department to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Sixty-two thousand one hundred and forty-five Pounds, to pay the Salaries and Expenses in the Department of Her Majesty's Secretary of State for Foreign Affairs, and also of the Queen's Messengers and Extra Couriers attached to that Department, to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Twenty-nine thousand two hundred and eight Pounds, to pay the Salaries and Expenses in the Department of Her Majesty's Secretary of State for the Colonies to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Eighteen thousand seven hundred and thirty Pounds, to pay the Salaries and Expenses in the Department

There shall be issued 87,485*l.* for Salaries, &c. of Houses of Parliament;

53,095*l.* for the Treasury;

25,687*l.* for the Home Department;

62,145*l.* for the Foreign Department;

29,208*l.* for the Department of Colonies;

18,730*l.* for Privy Council;

Department of Her Majesty's Most Honourable Privy Council to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Fifty-three thousand three hundred and twenty-nine Pounds, to pay the Salaries and Expenses in the Office of the Committee of Privy Council for Trade, including the Office of the Registrar of Merchant Seamen to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Two thousand seven hundred and twenty Pounds, to pay the Salary of the Lord Privy Seal, and the Expenses of his Establishment, to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Five thousand nine hundred and seventy-six Pounds, to defray the Expense of conducting the Business of the Civil Service Commission to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Seventeen thousand five hundred Pounds, to defray the Salaries and Expenses in the Department of Her Majesty's Paymaster General to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Six thousand six hundred and thirty Pounds, to pay the Salaries and Expenses in the Department of the Comptroller General of the Exchequer to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Thirty thousand five hundred and fifty-nine Pounds, to pay the Salaries and Expenses of the Office of the Commissioners of Her Majesty's Works and Public Buildings to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Twenty-six thousand seven hundred and eighty-three Pounds, to pay the Salaries and Expenses of the Office of Woods, Forests, and Land Revenues to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Nineteen thousand one hundred and ninety-one Pounds, to pay the Salaries and Expenses of the Department of Public Records, including the State Paper Office, to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Two hundred twenty-two thousand nine hundred and sixty-nine Pounds, to defray Expenses connected with the Administration of the Laws relating to the Poor to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Thirty-two thousand five hundred and thirteen Pounds, to defray the Charge of the Establishment of the Mint, including Expenses of the Coinage, to the Thirty-first Day of March One thousand eight hundred and sixty-

53,329*l.* for Committee of Privy Council for Trade, &c.;

2,720*l.* for Lord Privy Seal;

5,976*l.* for Civil Service Commission;

17,500*l.* for Paymaster General's Department;

6,630*l.* for Department of Comptroller General of Exchequer;

30,559*l.* for Office of Commissioners of Works and Public Buildings;

26,783*l.* for Office of Woods, Forests, &c.;

19,191*l.* for Public Records Department and State Paper Office;

222,969*l.* for Administration of Poor Laws;

32,513*l.* for the Mint;

sixty-one; and any Sum or Sums of Money not exceeding Twenty-one thousand one hundred and forty Pounds, to pay the Salaries and Expenses of the Inspectors of Factories, Mines, &c. to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Six thousand two hundred and thirty-four Pounds, to pay the Salaries of the Department of the Queen's and Lord Treasurer's Remembrancer in the Exchequer, Scotland, of certain Offices in Scotland, and other Charges, formerly paid from the Hereditary Revenue, to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Six thousand four hundred and thirty-one Pounds, to defray the Charge of Salaries for the Officers and Attendants of the Household of the Lord Lieutenant of Ireland to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Sixteen thousand and eighty-four Pounds, to pay the Salaries and Expenses of the Offices of the Chief Secretary to the Lord Lieutenant of Ireland in Dublin and London to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Six thousand and four Pounds, to defray the Charge of the Department of the Paymaster of Civil Services in Ireland to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Two thousand seven hundred and twenty-one Pounds, to defray the Salaries and Expenses of the Office of the Inspectors of Lunatic Asylums in Ireland to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Twenty-three thousand six hundred and sixty-one Pounds, to pay the Salaries and Expenses of the Board of Public Works in Ireland to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Thirty-three thousand one hundred and eighteen Pounds, to pay the Salaries and Expenses in the Department of the Commissioners for auditing the Public Accounts to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Nineteen thousand one hundred and sixty Pounds, to defray the Expense of the Copyhold, Inclosure, and Tithe Commission to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Twelve thousand seven hundred and ninety Pounds, to pay the Imprest Expenses under the Inclosure and Drainage Acts of the Copyhold, Inclosure, and Tithe Commission to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Thirty-six thousand four hundred Pounds, to pay the Salaries and Expenses in the Department of the Registrar General, England and

21,140*l.* for Salaries, &c. of Inspectors of Factories, Mines, &c.;

6,234*l.* for Civil Charges, &c., Scotland;

6,431*l.* for Officers, &c. of Lord Lieutenant of Ireland;

16,084*l.* for Chief Secretary, &c., Ireland;

6,004*l.* for Paymaster of Civil Services, Ireland;

2,721*l.* for Inspectors of Lunatic Asylums, Ireland;

23,661*l.* for Board of Public Works, Ireland;

33,118*l.* for Department of Commissioners for auditing Public Accounts;

19,160*l.* for Copyhold, Inclosure, and Tithe Commission;

12,790*l.* for Imprest Expenses, &c. of Copyhold, Inclosure, and Tithe Commission;

36,400*l.* for Salaries, &c. General Register Office, England and Wales;

and Wales, to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Three thousand three hundred and one Pounds, to pay the Salaries and Expenses in the Department of the Registrar General, Dublin, to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Five thousand eight hundred and twelve Pounds, to pay the Salaries and Expenses in the Department of the Registrar General of Births, &c., Edinburgh, to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Fourteen thousand six hundred and fifty-two Pounds, to pay the Salaries and Expenses in the National Debt Office to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Two thousand eight hundred Pounds, to defray the Salaries and Expenses of the Establishment under the Public Works Loan Commissioners to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding One thousand four hundred and twenty Pounds, to defray the Expenses of the Establishment under the West India Islands Relief Commissioners to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Six thousand one hundred and sixty-six Pounds, to pay the contingent Expenses of the Office of the Commissioners in Lunacy in England, and the Salaries and Expenses of the Board of Lunacy in Scotland, to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding One thousand two hundred and twenty-three Pounds, to defray the Salary and Expenses of the General Superintendent of County Roads in South Wales to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Two thousand one hundred and fifty-three Pounds, to pay the Salaries and Expenses in the Departments of the Registrars of Friendly Societies in England, Scotland, and Ireland to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Thirty-two thousand Pounds, to defray the Charge of Her Majesty's Foreign and other Secret Services to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Three hundred thirty-five thousand two hundred and eighty-five Pounds, to defray the Expense of Stationery, Printing, and Binding for the several Public Departments, and for Printing, &c. for the Two Houses of Parliament, including the Expense of the Stationery Office, to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money

3,301*l.* for Salaries, &c., General Register Office, Dublin;

5,812*l.* for Salaries, &c., Department of Registrar General of Births &c. Edinburgh;

14,652*l.* for Salaries, &c., National Debt Office;

2,800*l.* for Salaries, &c., Public Works Loan Commission;

1,420*l.* for West India Islands Relief Commission;

6,166*l.* for Lunacy Commission, England, and Salaries, &c., Lunacy Board, Scotland;

1,223*l.* for General Superintendent of County Roads in South Wales;

2,153*l.* for Registrars of Friendly Societies, England, Scotland, and Ireland;

32,000*l.* for Foreign and other Secret Services;

335,285*l.* for Stationery, &c., for Public Departments;

Money not exceeding One hundred twenty-eight thousand six hundred and twenty-eight Pounds, to defray the Charge for Postage of Letters on the Public Service in the several Departments to the Thirty-first Day of March One thousand eight hundred and sixty-one. 128,628*l.* for Postage of Letters on the Public Service.

CIVIL SERVICES.—*Class* 3. CIVIL SERVICES. *Class* 3.

XXIII. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Twenty-four thousand two hundred and forty-five Pounds, to defray Law Charges, and the Salaries, Allowances, and incidental Expenses in the Office of the Solicitor for the Affairs of Her Majesty's Treasury, including Prosecutions relating to Coin, to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding One hundred thousand Pounds, to defray the Expenses of Prosecutions at Assizes and Quarter Sessions, formerly paid out of County Rates, including Salaries in lieu of Fees to Clerks of Assize and other Officers under the Criminal Justice Act, to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Two hundred twenty-three thousand four hundred and seventy-five Pounds, to defray certain Charges connected with the Police in Counties and Boroughs in England and Wales, and for Police in Scotland, to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding One thousand two hundred and twenty Pounds, towards defraying the Expenses of the Crown Office, Queen's Bench, to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Ten thousand six hundred and seventy-five Pounds, to defray the Salaries and Expenses in the Department of the Registrar of the High Court of Admiralty, and the Expenses of the Admiralty Court, Dublin, to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Five thousand nine hundred and seventy-six Pounds, to defray the Salaries of the Commissioners and other Officers, and the Expenses of the Insolvent Debtors Court, to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Thirty-four thousand two hundred and eighty Pounds, to defray the Salaries and Expenses of the Court of Probate and Divorce and Matrimonial Causes to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Two hundred thousand two hundred and seventy-five Pounds, to defray the Salaries and Expenses of the County Courts

There shall be issued 24,245*l.* for Office of Solicitor to the Treasury, including Prosecutions relating to Coin, &c.

100,000*l.* for Prosecutions at Assizes and Quarter Sessions;

223,475*l.* for Police in Counties and Boroughs in England and Wales, and Police in Scotland;

1,220*l.* for Crown Office, Queen's Bench;

10,675*l.* for Department of Registrar of the Admiralty, and Admiralty Court, Dublin;

5,976*l.* for Insolvent Debtors Court;

34,280*l.* for Court of Probate, &c.;

200,275*l.* for County Courts;

Courts to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Twenty-one thousand four hundred and thirty-seven Pounds, to defray the Expenses of the Police Courts of the Metropolis to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding One hundred thirty-one thousand eight hundred and sixty Pounds, towards defraying the Expenses of the Metropolitan Police to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Three thousand five hundred Pounds, to defray the Salaries and Expenses of the Queen's Prison to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Three thousand three hundred and forty-two Pounds, to defray the Salaries of the Lord Advocate and of the Solicitor General, Scotland, to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Eighteen thousand and ninety-one Pounds, to defray the Salaries and Expenses of the Court of Session in Scotland to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Eleven thousand and sixty-six Pounds, to defray the Salaries and Expenses of the Court of Justiciary in Scotland to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Five thousand five hundred Pounds, to defray the Expenses of Criminal Prosecutions carried on under the Authority of the Lord Advocate to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding One thousand six hundred and twenty Pounds, to defray the Salaries and Expenses of the legal Branch of the Exchequer in Scotland to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Forty-three thousand Pounds to defray the Charge of Sheriffs and Stewards, including Procurators Fiscal not paid by Salaries, and the Expenses of Criminal Prosecutions, &c. in Sheriff Courts in Scotland, to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Twenty-two thousand five hundred and thirty-five Pounds, to defray the Salaries of such of the Procurators Fiscal in Scotland as are no longer paid by Fees to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Fifteen thousand two hundred and sixty Pounds, to defray the Salaries of such of the Sheriff Clerks, Scotland, as are not chargeable on the Revenues of Customs and Excise to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any

21,437*l.* for Police Courts of the Metropolis;

131,860*l.* for Metropolitan Police;

3,500*l.* for Queen's Prison;

3,342*l.* for Lord Advocate and Solicitor General, Scotland;

18,091*l.* for Salaries, Court of Session, Scotland;

11,066*l.* for Court of Justiciary, Scotland;

5,500*l.* for Criminal Prosecutions by Lord Advocate;

1,620*l.* for certain Officers in the Exchequer in Scotland;

43,000*l.* for Criminal Prosecutions, &c. in Scotland;

22,535*l.* for Procurators Fiscal in Scotland;

15,260*l.* for Sheriff Clerks, Scotland;

any Sum or Sums of Money not exceeding Two thousand one hundred and fifty Pounds, to defray Expenses in Matters of Tithes, and the Expenses of the Agent of the Officers of State in maintaining Rights of the Crown in Civil Actions, &c. in Scotland, to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Fifteen thousand eight hundred and fifteen Pounds, to defray the Salaries and Expenses of the several Offices in Her Majesty's General Register House, Edinburgh, to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding One thousand and forty-four Pounds, to defray the Salaries and Expenses in the Department of the Commissary Clerk, Edinburgh, to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding One thousand five hundred and twenty-eight Pounds, to defray the Salaries and Expenses in the Department of the Accountant in Bankruptcy in Scotland to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Sixty-four thousand six hundred and thirty-four Pounds, to defray the Expense of Criminal Prosecutions and other Law Charges in Ireland to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Three thousand nine hundred Pounds, to defray the Salaries and Expenses of certain Officers of the Court of Chancery in Ireland to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Three thousand three hundred and fifty Pounds, to defray the Salaries of certain Officers and the incidental Expenses of the Court of Queen's Bench in Ireland to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Three thousand one hundred and thirty-one Pounds, to defray the Salaries of certain Officers and the incidental Expenses of the Court of Common Pleas in Ireland to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Twelve thousand four hundred and sixty Pounds, to defray the Salaries of certain Officers and the incidental Expenses of the Court of Exchequer in Ireland to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Two hundred Pounds, to defray the Salary of the Clerk to the Taxing Officers for the Three Law Courts, Ireland, to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Five thousand six hundred and thirty-two Pounds, to defray the Salaries of the Registrars to the Judges and of the Registrars of Nisi Prius in Ireland to the Thirty-first

2,150*l.* for Expenses in Matters of Tithes, &c.;

15,815*l.* for General Register House, Edinburgh;

1,044*l.* for Department of Commissary Clerk, Edinburgh;

1,528*l.* for Department of Accountant in Bankruptcy, Scotland;

64,634*l.* for Criminal Prosecutions, &c., Ireland;

3,900*l.* for Court of Chancery, Ireland;

3,350*l.* for Court of Queen's Bench, Ireland;

3,131*l.* for Court of Common Pleas, Ireland;

12,460*l.* for Court of Exchequer, Ireland;

200*l.* for Clerk to Taxing Officers for Law Courts, Ireland;

5,632*l.* for Registrars to Judges, Ireland;

first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Six thousand Pounds, to defray Compensations to Seneschals and other Officers of Manor Courts in Ireland to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Two thousand six hundred and seventy-eight Pounds, to defray certain Salaries and the incidental Expenses in the Office for the Registration of Judgments in Ireland to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Seven thousand six hundred and ninety-two Pounds, to defray the Salaries of the Judges and Officers, and the incidental Expenses of the Court of Bankruptcy and Insolvency in Ireland, and the Compensations awarded under the Act of the Twentieth and Twenty-first Years of Her Majesty, Chapter Sixty, to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Seven thousand three hundred and eighty Pounds, to defray the Salaries of the Court of Probate in Ireland, and the Expenses of the said Court, and of the District Registries, to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Eleven thousand three hundred and fifty-one Pounds, to defray the Salaries of the Officers of the Landed Estates Court, Ireland, to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Four hundred and fifty Pounds, for Remuneration to Revising Barristers in the City of Dublin to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Three hundred Pounds, to defray the Salary of the Clerk to the Court of Errors, and the incidental Expenses of the said Court and of the Court of Exchequer Chamber, in Ireland, to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding One thousand six hundred Pounds, to defray the Salaries of the Police Justices of Dublin Metropolis to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Forty-six thousand seven hundred and eighty Pounds, towards defraying the Expense of the Divisional Police Courts and the Metropolitan Police, Dublin, to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Seven hundred and seven thousand five hundred and sixty-one Pounds, to defray the Expense of the Constabulary Force in Ireland to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Two thousand seven hundred and seventeen Pounds, to defray the Expenses of the Four Courts Marshalsea Prison, Dublin, to the Thirty-first Day of March One

6,000*l.* for Compensations to Officers of Manor Courts, Ireland;

2,678*l.* for Office for Registration of Judgments in Ireland;

7,692*l.* for Salaries, &c. of Court of Bankruptcy, &c. Ireland;

7,380*l.* for Court of Probate, &c. Ireland;

11,851*l.* for Landed Estates Court, Ireland;

450*l.* for Revising Barristers, Dublin;

300*l.* for Salary of Clerk to Court of Errors, Ireland;

1,600*l.* for Salaries of Police Justices, Dublin;

46,780*l.* for Metropolitan Police, &c. Dublin;

707,561*l.* for Constabulary Force, Ireland;

2,717*l.* for Four Courts, Marshalsea, Dublin;

One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Seventeen thousand seven hundred and seven Pounds, to defray the Charge of Inspection and general Superintendence over all the Prisons in the United Kingdom to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Four hundred and eight thousand and twenty-nine Pounds, to defray the Charge of Government Prisons and Convict Establishments at home to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding One hundred fifty-nine thousand three hundred and fifty-seven Pounds, to defray the Expense of the Maintenance of Prisoners in County Gaols, Reformatory Institutions, and Lunatic Asylums, and the Expenses of the Removal of Convicts, to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Twenty thousand six hundred and seventy-one Pounds, to defray Expenses connected with the Transportation of Convicts, &c. to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding One hundred seventy-three thousand eight hundred and twenty-seven Pounds, to defray the Expense of the Convict Establishments in the Colonies to the Thirty-first Day of March One thousand eight hundred and sixty-one.

17,707*l.* for General Superintendence of Prisons, &c.;

408,029*l.* for Government Prisons and Convict Establishments at home;

159,357*l.* for Maintenance of Prisoners and Removal of Convicts;

20,671*l.* for Transportation of Convicts;

173,827*l.* for Convict Establishments in the Colonies.

CIVIL SERVICES.—*Class* 4.

Civil Services, *Class* 4.

XXIV. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Seven hundred ninety-eight thousand one hundred and sixty-seven Pounds, to defray the Charge for Public Education in Great Britain to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Ninety-four thousand nine hundred and fifty-one Pounds, to defray the Expenses of the General Management of the Department of Science and Art, of the Schools throughout the Kingdom in connexion with the Department, and of the Geological Surveys of Great Britain and Ireland, &c., to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Six hundred and forty-one Pounds, to pay the Salary of the Secretary and the Expenses of the Office of the Commissioners of Education in Ireland to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Four thousand eight hundred and twenty Pounds, towards defraying the Expenses of the University of London to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Seven thousand six hundred and thirty Pounds,

There shall be issued 798,167*l.* for Public Education, Great Britain;

94,951*l.* for Department of Science and Art, &c.;

641*l.* for Secretary, &c. of Commissioners of Education, Ireland;

4,820*l.* for University of London;

7,630*l.* for Scottish Universities;

Pounds, to pay Grants to Scottish Universities, formerly defrayed from the Hereditary Revenues of the Crown, to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Two thousand three hundred and seventy-one Pounds, to defray the Expenses of the Queen's University in Ireland to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Four thousand eight hundred Pounds, to defray certain Expenses of the Queen's Colleges in Ireland to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Five hundred Pounds, towards defraying the Expense of the Royal Irish Academy to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Two thousand five hundred Pounds, to pay the Salaries of the Theological Professors and the incidental Expenses of the General Assembly's College at Belfast, and Retired Allowances to Professors of the Belfast Academical Institution, to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Eleven thousand six hundred and seventy Pounds, to defray the Expenses of the National Gallery, including the Purchase of Pictures, to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Four thousand seven hundred and ninety Pounds, to defray the Expense of Magnetic Observations abroad, including the Superintendent's Establishment at Woolwich, also for Observations and Services under the Direction of the Astronomer Royal, and for Meteorological Observations at Sea, &c., to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Five hundred Pounds, to enable the Royal Geographical Society to provide Accommodation for their Meetings, &c. to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding One thousand Pounds, to enable the Royal Society to carry on certain Experiments for public Objects to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding One hundred thousand eight hundred and fifty Pounds, to defray the Salaries and Expenses of the British Museum, including also the Amount required for Buildings, &c., to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Two hundred seventy thousand seven hundred and twenty-two Pounds, to defray the Charge for Public Education in Ireland, under the Charge of the Commissioners of National Education in Ireland, to the Thirty-first Day of March One thousand eight hundred and sixty-one.

2,371*l.* for Queen's University, Ireland;

4,800*l.* for Queen's Colleges, Ireland;

500*l.* for Royal Irish Academy;

2,500*l.* for Theological Professors, Retired Allowances, &c. Belfast;

11,670*l.* for Salaries, Purchase of Pictures, &c. of the National Gallery;

4,790*l.* for Magnetic Observations abroad, &c.;

500*l.* for Royal Geographical Society;

1,000*l.* for Experiments by Royal Society;

100,850*l.* for Salaries, &c. at British Museum, including Buildings, &c.;

270,722*l.* for Public Education, and Educational Commissioners, Ireland.

CIVIL SERVICES.—*Class* 5.

CIVIL SERVICES *Class* 5.

XXV. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Four thousand three hundred Pounds, towards defraying the Charge of the Civil Establishment of the Bermudas to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Six thousand six hundred and twenty-eight Pounds, to defray the Charge of the Ecclesiastical Establishment of the British North American Provinces to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding One thousand six hundred Pounds, to defray the Charge of the Indian Department in Canada to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Thirty thousand Pounds, towards defraying the Charge of British Columbia to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Twenty-four thousand seven hundred and twenty-eight Pounds, to defray the Charge of the Salaries of the Governors, Lieutenant Governors, and others in the West Indies and certain other Colonies to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Eighteen thousand Pounds, to defray the Salaries, Allowances, and Contingencies of the Stipendiary Justices in the West India Colonies and the Mauritius to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Ten thousand two hundred and thirty Pounds, towards defraying the Charge of the Civil Establishments on the Western Coast of Africa to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Six thousand two hundred and seventy-three Pounds, to defray Charges connected with the Island of Saint Helena to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Nine hundred and sixty Pounds, to defray the Charge of Heligoland to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Four thousand and sixty-seven Pounds, towards defraying the Charge of the Falkland Islands to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Six thousand six hundred and fifty-five Pounds, towards defraying the Charge of Labuan to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Eleven thousand four hundred and seventy-two Pounds, to

There shall be issued 4,300*l.* for Civil Establishment, Bermudas;

6,628*l.* for Ecclesiastical Establishment of British North American Provinces;

1,600*l.* for Indian Department, Canada;

30,000*l.* for British Columbia;

24,728*l.* for Salaries of West Indian and Colonial Governors;

18,000*l.* for Stipendiary Justices in West Indies and Mauritius;

10,230*l.* for Civil Establishments, West Coast of Africa;

6,273*l.* for St. Helena;

960*l.* for Heligoland;

4,067*l.* for Falkland Islands;

6,655*l.* for Labuan;

11,472*l.* for Emigration Board and Officers;

to defray the Charge of the Emigration Board, and of the Emigration Officers at the different Ports of this Kingdom, also to defray certain Expenses connected with Emigration, to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Twelve thousand Pounds, to defray Expenses incurred for the Support of captured Negroes and liberated Africans and other Charges under the Acts for the Abolition of the Slave Trade to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Ten thousand seven hundred and fifty Pounds, to pay the Salaries and Expenses of the Mixed Commissions established under the Treaties with Foreign Powers for suppressing the Traffic in Slaves to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Two hundred sixty-two thousand two hundred and twenty-nine Pounds, to defray the Expense of the Consular Establishments abroad to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Twenty-three thousand three hundred and twenty Pounds, to defray the Expenses of the Establishments in China, Japan, and Siam to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Fifty thousand Pounds, for the extraordinary Disbursements of Her Majesty's Embassies and Missions abroad to the Thirty-first Day of March One thousand eight hundred and sixty-one.

12,000*l.* for Support of captured Negroes and liberated Africans.

10,750*l.* for Mixed Commissions for suppressing the Slave Trade;

262,229*l.* for Consular Establishments abroad;

23,320*l.* for Establishments in China, Japan, and Siam;

50,000*l.* for extraordinary Disbursements of Embassies and Missions abroad.

Civil Services. *Class 6.*

Civil Services.—*Class* 6.

There shall be issued 177,713*l.* for Superannuation Allowances, and Compensations, Public Service;

XXVI. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding One hundred seventy-seven thousand seven hundred and thirteen Pounds, to defray the Charge of Superannuation Allowances and Compensations to Persons formerly employed in the Public Service to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding One thousand one hundred and forty Pounds, to enable Her Majesty to grant Relief to Toulonese and Corsican Emigrants, St. Domingo Sufferers, American Loyalists, and others who have heretofore received Allowances from Her Majesty to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Three hundred and twenty-five Pounds, towards the Support of "The Refuge for the Destitute" to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Three thousand three hundred and fifty-three Pounds, for Payment of the Allowances to

1,140*l.* for Toulonese and Corsican Emigrants, &c.;

325*l.* for the Refuge for the Destitute;

3,353*l.* for Polish Refugees, &c.;

to Polish Refugees and distressed Spaniards to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Four thousand and eighty-one Pounds, to pay Miscellaneous Allowances formerly defrayed from the Civil List, the Hereditary Revenues, &c., and for which no permanent Provision has been made by Parliament, to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Two thousand five hundred and thirty-nine Pounds, to pay to the Treasurers of Public Infirmaries in Ireland the Allowances granted under certain Acts of Parliament to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Two thousand six hundred Pounds, to defray the Expense of the Westmoreland Lock Hospital, Dublin, to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Seven hundred Pounds, towards defraying the Expense of the Rotunda Lying-in Hospital, Dublin, to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Two hundred Pounds, towards defraying the Expense of the Coombe Lying-in Hospital, Dublin, to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Seven thousand six hundred Pounds, to defray the Expense of the Hospitals of the House of Industry, Dublin, to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Two thousand five hundred Pounds, towards defraying the Expense of the House of Recovery and Fever Hospital, Cork Street, Dublin, to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Six hundred Pounds, towards defraying the Expense of the Meath Hospital, Dublin, to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding One hundred Pounds, towards defraying the Expense of St. Mark's Ophthalmic Hospital, Dublin, to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding One thousand three hundred Pounds, towards defraying the Expense of Doctor Steevens' Hospital, Dublin, to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Two hundred and sixty-five Pounds, to defray the Expenses of the Board of Superintendence of Hospitals in Dublin to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Eight thousand eight hundred and forty-seven Pounds, to pay Charitable Allowances charged on the Concordatum

4,081*l.* for Miscellaneous Allowances formerly defrayed from Civil List, &c.;

2,539*l.* for Treasurers of Public Infirmaries, Ireland;

2,600*l.* for Westmoreland Lock Hospital, Dublin;

700*l.* for Rotunda Lying-in Hospital, Dublin;

200*l.* for Coombe Lying-in Hospital, Dublin;

7,600*l.* for Hospitals of House of Industry, Dublin;

2,500*l.* for House of Recovery and Fever Hospital, Dublin;

600*l.* for Meath Hospital, Dublin;

100*l.* for St. Mark's Ophthalmic Hospital, Dublin;

1,300*l.* for Dr. Steevens' Hospital, Dublin,

265*l.* for Board of Superintendence of Hospitals, Dublin;

8,847*l.* for Charitable Allowances charged on Concordatum Fund in Ireland &c.;

Concordatum Fund in Ireland, and other Allowances and Bounties formerly defrayed from Grants for the Lord Lieutenant's Household, Civil Contingencies, &c., to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Thirty-nine thousand seven hundred and forty-seven Pounds, to defray the Expense of Non-conforming, Seceding, and Protestant Dissenting Ministers in Ireland to the Thirty-first Day of March One thousand eight hundred and sixty-one.

39,747*l.* for Nonconforming, &c. Ministers in Ireland.

Civil Services. *Class 7.*

Civil Services.—*Class 7.*

There shall be issued 6,010*l.* for Salaries, &c. of Office in London under Local Government Act;

3,750*l.* for Ecclesiastical Commissioners;

17,070*l.* for Salaries, &c. of Charity Commission in England and Wales;

37,480*l.* for Salaries, &c. for sundry temporary Commissions;

28,229*l.* for Fees, &c. under Patent Law Amendment Act;

12,998*l.* for Board of Fisheries, Scotland;

2,000*l.* for Annuity to Board of Manufacturers, Scotland;

5,000*l.* for Highland Roads and Bridges;

900*l.* for Publication of Ancient Laws of Ireland;

XXVII. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Six thousand and ten Pounds, to pay the Salaries and Expenses of the Office in London under the Local Government Act to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Three thousand seven hundred and fifty Pounds, to defray a Portion of the Expenses of the Ecclesiastical Commissioners for England to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Seventeen thousand and seventy Pounds, to pay the Salaries and Expenses of the Charity Commission for England and Wales to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Thirty-seven thousand four hundred and eighty Pounds, to pay the Salaries and Expenses of sundry temporary Commissions to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Twenty-eight thousand two hundred and twenty-nine Pounds, to defray the Fees, Salaries, Expenses, and Compensations payable under the Provisions of the Patent Law Amendment Act to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Twelve thousand nine hundred and ninety-eight Pounds, to pay the Salaries and Expenses of the Board of Fisheries in Scotland to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Two thousand Pounds, to defray the Charge on account of the Annuity to the Board of Manufactures in Scotland in discharge of Equivalents under the Treaty of Union to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Five thousand Pounds, on account of the Commissioners of Highland Roads and Bridges to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Nine hundred Pounds, to defray the

the Expense of the Commission appointed to superintend the Publication of the Ancient Laws and Institutes of Ireland to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Fifty-eight thousand seven hundred Pounds, to defray the Charge for Pensions to Masters and Seamen of the Merchant Service, and to their Widows and Children, under the Merchant Seamen's Fund Act, and for Compensation to the late Officers of the Trustees of the Merchant Seamen's Fund, to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Twenty thousand Pounds, to defray the Charges on account of distressed British Seamen abroad to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Four thousand Pounds, to defray Expenses connected with Quarantine Arrangements to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Fifty thousand Pounds, to defray the Charge for Payments on account of the Difference of Dues payable by British or Foreign Vessels under Treaties of Reciprocity to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Twenty-five thousand Pounds, to pay the Bounties on Slaves and the Tonnage Bounties on Slave Vessels captured to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Seventeen thousand Pounds, to defray the Expense of erecting and maintaining certain Lighthouses abroad to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Four thousand two hundred and sixty-six Pounds, to defray Charges connected with the Settlement of the Orange River Territory (Cape of Good Hope) to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Twenty-seven thousand Pounds, for promoting the Improvement of the Kaffirs, and the Settlement and Government of British Kaffraria, to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Thirty-two thousand four hundred and forty-two Pounds, to defray Expenses on account of the Treasury Chest to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Twenty thousand Pounds, to fulfil the Engagements entered into by Her Majesty's Government with certain Submarine Telegraph Companies in the Year ending the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Seven thousand Pounds, to defray the Cost of the Expedition

58,700*l.* for Pensions to Masters, &c. of Merchant Service;

20,000*l.* for distressed British Seamen abroad;

4,000*l.* for Quarantine Arrangements;

50,000*l.* for Dues payable under Treaties of Reciprocity;

25,000*l.* for Bounties on Slaves and Slave Vessels captured;

17,000*l.* for Lighthouses abroad;

4,266*l.* for Officers employed settling Orange River Territory;

27,000*l.* for Improvement of Kaffirs, and Government of British Kaffraria;

32,442*l.* for Expenses on account of Treasury Chest;

20,000*l.* for Submarine Telegraph Companies;

7,000*l.* for Expedition to River Niger, &c.;

tion to the Niger and other Rivers of Africa under the Charge of Dr. Baikie, including the Hire of a Steamer, to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Eleven thousand five hundred Pounds, to defray the Expense of the Expedition to the River Zambesi, in Africa, under Dr. Livingstone, to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Two thousand Pounds, to pay the Salaries of Inspectors of Corn Returns, and the Expenses defrayed by Counties for Corn Returns, to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Two thousand and sixty Pounds, to defray the Salaries and Expenses of the Office for the Registration of Joint Stock Companies to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding One thousand seven hundred and three Pounds, to defray the Charge of the Salaries and Expenses in the Registration of Designs Office to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Seventeen thousand eight hundred and fifty Pounds, to defray the Charge for the Remuneration to Revising Barristers in England and Wales to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Two thousand five hundred Pounds, to defray the Expense of the Inspection of Burial Grounds in England and Wales to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Two thousand Pounds, towards the Formation of the Gallery of Portraits of the most eminent Persons in British History, in the Year ending the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding One thousand Pounds, to defray the Expense of adjusting and defining the Boundaries of Counties, Baronies, and Parishes in Ireland to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Three thousand one hundred and fifty Pounds, to defray the Cost of collecting Agricultural and Emigration Statistics in Ireland to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Ten thousand Pounds, to enable the Commissioners of Public Works in Ireland, in the Year ending the Thirty-first Day of March One thousand eight hundred and sixty-one, to purchase certain Ground and Houses required as a Site for a new Court or Courts of Law and Offices in extension of the Four Courts, Dublin, including Costs of Arbitration, incidental Expenses, &c.; and any Sum or Sums of Money not exceeding

11,500*l.* for Expedition to River Zambesi;

2,000*l.* for Inspectors of Corn Returns;

2,060*l.* for Registration of Joint Stock Companies;

1,703*l.* for Registration of Designs Office;

17,850*l.* for Revising Barristers;

2,500*l.* for Inspection of Burial Grounds;

2,000*l.* for Gallery of Portraits;

1,000*l.* for defining Boundaries of Counties, Ireland;

3,150*l.* for Agricultural and Emigration Statistics, Ireland;

10,000*l.* for Site for new Courts of Law, Four Courts, Dublin;

exceeding Six hundred and sixty nine Pounds, to defray the Expense of the Pitcairn's Islanders in Norfolk Island to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Five thousand two hundred and sixty Pounds, to complete the Repairs of the Crinan Canal, and to pay off outstanding Charges on the Caledonian Canal, to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding One thousand nine hundred and fourteen Pounds, for the Purchase, in the Year ending the Thirty-first Day of March One thousand eight hundred and sixty-one, of old Gun Metal for the Bas-Reliefs of the Wellington Testimonial in the Phœnix Park, Dublin, and for the Erection of Tablets in Chelsea Hospital commemorative of the Loss of the "Birkenhead" and "Europa" Transports; and any Sum or Sums of Money not exceeding One thousand six hundred and eighty Pounds, for defraying the Expense, in the Year ending the Thirty-first Day of March One thousand eight hundred and sixty-one, of the Inquiry into the Expediency of accepting the Offer which has been made by the Chief of the Fiji Islands to cede the Sovereignty of those Islands to Her Majesty; and any Sum or Sums of Money not exceeding Two thousand five hundred Pounds, to meet the Expense of purchasing Drawings by Old Masters, formerly in the Lawrence Collection, for Deposit in the British Museum, in the Year ending the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Five thousand Pounds, to defray the Expense of the Erection and Completion of a National Gallery for Paintings, Sculpture, and the Fine Arts, and for the Reception of Archbishop Marsh's Public Library, in Dublin, in the Year ending the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Five thousand Pounds, towards defraying the Expense of the Erection of the Industrial Museum in Edinburgh in the Year ending the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Two thousand six hundred and sixty Pounds, to defray the Expense of the Erection of a Guard Room near Henry the Eighth's Gate in Windsor Castle in the Year ending the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Fifteen thousand Pounds, for the Purpose of increasing the Accommodation for Painting and Sculpture in the National Gallery in Trafalgar Square in the Year ending the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Ten thousand Pounds, for the Purpose of providing Temporary Accommodation for the Department of the Secretary of State for Foreign Affairs to the Thirty-first Day of

669*l.* for Pitcairn Islanders;

5,260*l.* for Crinan and Caledonian Canals;

1,914*l.* for Gun Metal for Bas-Reliefs and Tablets;

1,680*l.* for Inquiry concerning Sovereignty of Fiji Islands;

2,500*l.* for Drawings by Old Masters for British Museum;

5,000*l.* for National Gallery, Dublin;

5,000*l.* for Industrial Museum, Edinburgh;

2,660*l.* for Guard Room, Windsor Castle;

15,000*l.* for additional Accommodation in National Gallery, Trafalgar Square;

10,000*l.* for Temporary Accommodation for Department

of Foreign Secretary; 18,000*l.* for Portion of Site for Foreign Office, &c.; 38,170*l.* for new Bridge at Westminster; 80,000*l.* for Approaches to Westminster Bridge; 1,500*l.* for Repair of Carisbrook Castle; 87,000*l.* for Telegraphic Communication between Rangoon and Singapore; 1,000*l.* for Grant to Prof. Hansen of Gotha; 5,000*l.* towards Court Houses for Sheriff Courts, Scotland; 6,300*l.* for Capt. Palliser's Expedition, British North America; 7,000*l.* for Reward to Capt M'Clintock and Crew, and for Franklin Monument; 35,000*l.* for Local Assessments 17,000*l.* for Accommodation at South

of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Eighteen thousand Pounds, for the Purchase of a Portion of the Site of the proposed Foreign Office, &c. in the Year ending the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Thirty-eight thousand one hundred and seventy Pounds, towards defraying the Expense of erecting a new Bridge at Westminster in the Year ending the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Eighty thousand Pounds, towards defraying the Cost of the Formation of the Western Approaches to the new Bridge at Westminster in the Year ending the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding One thousand five hundred Pounds, for the Repair and Maintenance of Carisbrook Castle to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Eighty-seven thousand Pounds, towards defraying the Expense of a Telegraphic Communication between Rangoon and Singapore in the Year ending the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding One thousand Pounds, as a Grant to Professor Hansen of Gotha in acknowledgment of the practical Value of his Lunar Tables to Her Majesty's Navy and the British Mercantile Marine; and any Sum or Sums of Money not exceeding Five thousand Pounds, to defray One Half of the Expense to be incurred for erecting or improving Court Houses or Offices for the Sheriff Courts in Scotland in the Year ending the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Six thousand three hundred Pounds, to defray the Charge, in the Year ending the Thirty-first Day of March One thousand eight hundred and sixty-one, of the Expedition, under Captain Palliser, for exploring that Region of British North America which lies along the Parallels of 49° and 53° North Latitude, and from 110° to 115° West Longitude; and any Sum or Sums of Money not exceeding Seven thousand Pounds, for a Reward for the Services of Captain Sir Francis Leopold M'Clintock and his Officers and Crew in tracing the Fate of the Franklin Expedition and in Arctic Discoveries, and for the Erection of a Monument to the Memory of Sir John Franklin and his Companions; and any Sum or Sums of Money not exceeding Thirty-five thousand Pounds, to defray the Cost of Contributions in aid of Local Assessments for the Relief of the Poor in respect of certain Descriptions of Government Property to the Thirty-first Day of March One thousand eight hundred and sixty-one; and any Sum or Sums of Money not exceeding Seventeen thousand Pounds, to provide safe and permanent Accommodation

modation for the Collection at South Kensington Museum, to the Thirty-first Day of March One thousand eight hundred and sixty-one.

Kensington Museum.

XXVIII. The said Aids and Supplies provided as aforesaid shall not be issued or applied to any Use, Intent, or Purpose whatsoever, other than the Uses, Intents, and Purposes before mentioned, or for the other Payments, Appropriation, or Application directed to be made or satisfied thereout by any Act or Acts, or any particular Clause or Clauses for that Purpose contained in any other Act or Acts of this Session of Parliament.

Supplies to be applied only for the Purposes aforesaid.

XXIX. The respective Departments charged with the detailed Application of the Sums granted by this Act for Navy and Army Services, shall confine the Expenditure of their respective Departments within the particular Amounts appropriated to each of the separate Services comprised in the Sum of Twelve million eight hundred thirty-six thousand and one hundred Pounds granted by this Act for Naval Services; and in the Sum of Six million and sixty-five thousand one hundred and sixty-one Pounds granted by this Act for defraying the Charge for Wages of Artificers, Labourers, and others employed at home and abroad, and the Charge of the Supplies of Clothing and Necessaries, Provisions, Forage, Fuel, and Light, Barrack Furniture, Bedding, &c., and the Charge of Stores for Land and Sea Service, and the Charge of Fortifications, Works, Buildings, and Barracks at home and abroad; and in the Sum of Nine million two hundred forty-seven thousand five hundred and fourteen Pounds granted by this Act for all other Army Services: Provided always, that if the Exigencies of the Public Service shall render it indispensably necessary to alter the Proportions assigned to any of the separate Services comprised in the said aggregate Sums granted by this Act for Naval Services or for Army Services, the Department in which such Necessity shall have arisen shall represent the Circumstance which may have led to it in Writing to the Commissioners of Her Majesty's Treasury, and it shall be lawful for such Department, on Her Majesty's Pleasure to that Effect being signified by the Commissioners of Her Majesty's Treasury, to apply in aid of the deficient Grant a further limited Sum out of any Surplus or Surpluses under other Heads of Service in the same Department: Provided always, that the aggregate Sum of Twelve million eight hundred thirty-six thousand and one hundred Pounds granted by this Act for Naval Services, or the aggregate Sum of Fifteen million three hundred and twelve thousand six hundred and seventy-five Pounds for the respective Army Services specified, shall not be exceeded: Provided also, that there shall be laid before the House of Commons with the Navy and Army Estimates for each Year a Statement showing all Cases in which the Naval and Military Departments shall have obtained the Sanction

Expenditure for Navy and Army Services respectively to be confined to the separate Services for which granted.

Treasury may, on Application, alter the proportionate Amounts for such separate Services, provided the total Grant to each Department be not exceeded.

Sanction of the Commissioners of Her Majesty's Treasury to any Alteration in the Sums appropriated to the respective Votes aforesaid, during the Year ended on the Thirty-first Day of December of the preceding Year, together with Copies of the Representations made to the Commissioners of Her Majesty's Treasury by the said Departments.

Rules to be observed in the Application of the Sum appropriating Half Pay.

XXX. And as to the Sum of Three hundred and fifty-one thousand Pounds, being the Proportion of the Sum of Four hundred ninety-two thousand three hundred and fifty-seven Pounds by this Act appropriated to the Pay of Reduced and Retired Officers, which is applicable to the Half Pay of Officers of Her Majesty's Forces, it is hereby enacted and declared, That the Rules hereafter prescribed shall be duly observed in the Application of the said Half Pay; (that is to say,) that no Person shall have or receive any Part of the same without making and subscribing a Declaration to such Purport and Effect as shall be required in that Behalf by Her Majesty's Warrants directing the Issue of the Half Pay to be received; that no Person shall have or receive any Part of the same who was under the Age of Sixteen Years at the Time when the Regiment, Troop, or Company in which he served was reduced; that no Person shall have or receive any Part of the same who did not do actual Service in some Regiment, Battalion, Troop, or Company in Her Majesty's Service, except in Cases in which the Commission was received under Circumstances which did not, according to the Regulations of the Army, require the Officer to serve; that no Person shall have or receive any Part of the same who has resigned his Commission, and has had no Commission since; that no Part of the same shall be allowed to any Person by virtue of any Warrant or Appointment, except to such Person as would have been otherwise entitled thereto as a reduced Officer; that no Person shall have or receive any Part of the same for any Time during which he shall hold any other Military Place or Employment of Profit under Her Majesty, or in Her Majesty's Colonies or Possessions beyond the Seas, except on the Staff or in Garrison, and that in such excepted Cases, or in Cases of his holding any Military Place or Employment of Profit under another Government, no Officer shall receive any Part of his Half Pay unless with Her Majesty's Approbation, to be signified by the Secretary-at-War to the Paymaster General, and the Officer claiming the Half Pay in pursuance of such Approbation shall specify in his Declaration the other Military Place or Employment of Profit on the Staff or in Garrison which he may hold or have held under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government; that no Person who shall, on or before the Twenty-eighth Day of July One thousand eight hundred and twenty-eight, have held any Civil Place or Employment of Profit under

under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall have or receive any Part of the same for any Time during which he shall hold any such Civil Place or Employment of Profit under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, except in Cases in which the same shall not exceed Three Times the Amount of the highest Rate of Half Pay attached to the Rank in virtue of which he claims to receive Half Pay or as herein-after mentioned, nor in any such excepted Cases unless Her Majesty's special Approbation be signified as aforesaid, and the Officer claiming the Half Pay in pursuance of such Approbation shall signify in his Declaration the Civil Place or Employment of Profit which he may hold or have held as aforesaid; but if the net annual Emoluments of such Civil Place or Employment shall exceed Three Times the Amount of Half Pay as aforesaid, and shall fall short of Four Times that Amount, then it shall be lawful for the Paymaster General, with Her Majesty's Approbation, signified by the Secretary-at-War as aforesaid, to issue, on or before the Twenty-fourth Day of December One thousand eight hundred and sixty, so much of the Half Pay claimed by any such Officer as shall, together with the net annual Emoluments of the Civil Place or Employment, be equal to Four Times the Amount of such Half Pay, and the Officer claiming the Half Pay in pursuance of such Approbation shall specify in his Declaration the Civil Place or Employment of Profit which he may have held as aforesaid, and the actual Amount of the Emoluments thereof, in such Manner and Form, and calculated up to such Period or Periods, as shall be required by the Secretary-at-War; but no Person who, after the Twenty-eighth Day of July One thousand eight hundred and twenty-eight, has been appointed to any Civil Place or Employment of Profit (except in Her Majesty's Household) under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall have or receive any Part of the same for any Time during which he shall hold any such Civil Place or Employment of Profit (except as aforesaid) under Her Majesty beyond the Seas, or under any other Government, other than that of a Barrack Master under the Secretary of State for War, who shall, under the Restrictions before mentioned, be entitled to receive his Half Pay: Provided always, that nothing in this Act contained shall prevent any Person from receiving his Half Pay who shall be entitled to the same under any Act or Acts relating to the General or Local Militia, or to the Yeomanry or Volunteers, but that every such Person shall receive the same according to the Provisions of any such Act or Acts; and also every Surgeon, Serjeant Major, Serjeant, Corporal, and Private serving in the General or Local Militia, or in any Corps of Yeomanry or Volunteers, in Great Britain or Ireland, may and shall receive any

Not to prevent the receiving of Half Pay under any Act relating to the General or Local Militia, &c.

Half Pay, together with any Pay in the General or Local Militia, or Yeomanry or Volunteers, upon making and subscribing a Declaration in any Case in which an Oath or Declaration shall be required in and by any Act or Acts, or specified in any Warrant of Her Majesty, as the Case may be, and stating in such Declaration the Commission or Employment which he held in the General or Local Militia, the Yeomanry or Volunteers: Provided always, that from and after the First Day of January One thousand eight hundred and sixty-one it shall be lawful for the Paymaster General to issue the Half Pay or any Portion thereof to any Officer appointed to Civil Place or Employment of Profit under Her Majesty or any other Government, since the Twenty-eighth Day of July One thousand eight hundred and twenty-eight, if Her Majesty's Pleasure to that Effect be signified by the Commissioners of Her Majesty's Treasury, through the Secretary-at-War, but such Permission to be granted under the Restrictions before mentioned: Provided always, that an Account shall be laid before Parliament in every Year on or before the First Day of April, if Parliament be then sitting, or, if Parliament shall not then be sitting, on the First Day of the Sitting of Parliament after the First Day of April, of the Number of Officers who are allowed to receive their Half Pay with Civil Emoluments, specifying the Names of such Officers, with the respective Amounts of their Half Pay, and the Emoluments of their respective Civil Employments, and distinguishing in every such Account the Officers to whom such Half Pay shall have been allowed subsequent to preceding Accounts.

Paymaster General, by Permission of the Treasury, may issue Half Pay to Officers appointed to Civil Offices since July 1828.

An Account of the Number of Officers so receiving Half Pay to be laid before Parliament annually.

Treasury may authorize Military Officers in Civil Employments to receive Half Pay in certain Cases.

XXXI. It shall be lawful for the Commissioners of Her Majesty's Treasury to authorize the receiving Half Pay by Military Officers with Civil Employments in any Cases in which the said Commissioners shall be of opinion that the Employment of such Military Officers in the Colonies or elsewhere in Civil Situations of Responsibility with small Emoluments will be conducive to Economy, and thereby beneficial to the Public Service, and in every such Case the Officer authorized to receive Half Pay with the Salary or Emolument of any Civil Employment shall signify the same in his Declaration, specifying the Office, and the Authority under which he is so allowed to receive his Half Pay.

Half Pay Allowances to Chaplains of Regiments not holding Ecclesiastical Benefices derived from the Crown.

XXXII. And whereas Chaplains of Regiments who have been placed upon Half Pay have not been allowed to receive such Half Pay in some Years in consequence of being in possession at the Time of certain Ecclesiastical Benefices or Preferments, though the same were not in the Patronage of the Crown: And whereas it has been judged fair and reasonable that they should be allowed to receive such Half Pay, though in possession of Ecclesiastical Preferment, provided the same was private Patronage, and not derived from the Crown.

Crown, and that they should be entitled to receive the Arrears of Half Pay for such former Years as aforesaid: Be it therefore enacted, That all Chaplains who, after having been placed upon Half Pay, shall have been refused or been unable to receive such Half Pay in any Year in consequence of holding any Ecclesiastical Benefice not derived from or in the Gift of the Crown, shall be entitled to receive the Arrears of such Half Pay for such Year, upon making and subscribing a Declaration before the proper Officer for administering Declarations to Persons for entitling them to receive Half Pay that they held no Ecclesiastical Benefice or Preferment in any Year derived from the Crown, nor any Place or Employment of Profit under Her Majesty, and the making and subscribing the said Declaration shall, without making and subscribing any other Declaration, be sufficient to entitle such Chaplain to receive his Half Pay.

Widows, &c. claiming Pensions to make required Declaration.

XXXIII. And as to the Sum of One hundred eighty-four thousand five hundred and twenty-three Pounds by this Act appropriated for defraying the Charge of Pensions to be paid to the Widows of Officers of Her Majesty's Land Forces, and for defraying the Charge of Allowances on the Compassionate List as aforesaid, it is hereby enacted and declared, That no Widow of an Officer of the Land Forces, and no Person claiming an Allowance on the Compassionate List, or of Allowances as of Her Majesty's Royal Bounty, shall have or receive any Part of the same without making and subscribing a Declaration to such Purport and Effect as shall be required in that Behalf by Her Majesty's Warrant directing the Issue of such Pensions and Allowances so to be received.

Declarations to be made as specified in 5 & 6 W. 4. c. 62.

XXXIV. Any such Declaration as well as all Declarations for other Army and Navy non-effective Services shall and may be made and subscribed before any One or more of Her Majesty's Justices of the Peace, Notary Public, resident Parish Minister, or other Person now by Law authorized to administer or receive such Declarations, or before any of the Persons appointed to examine Vouchers in the Office of the Paymaster General, in the Manner, and under the Pains, Penalties, and Forfeitures, specified in an Act passed in the Fifth and Sixth Years of His late Majesty for the Abolition of unnecessary Oaths.

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ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ

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CAP. CXXXII.

An Act for raising the Sum of Two million Pounds by Exchequer Bonds or Exchequer Bills for the Service of the Year One thousand eight hundred and sixty. [28th *August* 1860.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, towards raising the necessary Supplies which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to give and grant unto Your Majesty the Sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Treasury may raise 2,000,000*l.* by Exchequer Bonds.

I. Towards making good the Supply granted to Her Majesty for the Service of the Year One thousand eight hundred and sixty, it shall be lawful for the Commissioners of Her Majesty's Treasury at any Time or Times, but not later than the Thirty-first Day of *March* One thousand eight hundred and sixty-one, to cause any Number of Exchequer Bonds to be made out at the Receipt of the Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole the Sum of Two million Pounds, and such Bonds shall bear

 such

such Interest as shall be determined by the said Commissioners, not exceeding Four Pounds *per Centum per Annum*, and shall be paid off at Par at the Expiration of any Period or Periods not exceeding Six Years from the Date of such Bonds.

Interest on Bonds, and Repayment of Principal Money.

II. The Interest on such Bonds shall be paid half-yearly on such Days as shall be appointed by the said Commissioners, and shall be charged upon and issued out of the Consolidated Fund of the United Kingdom, or out of the growing Produce thereof; and the Principal Monies secured by such Bonds shall be repaid out of such Monies as shall be provided by Parliament in that Behalf.

Treasury may cause Exchequer Bonds to be prepared and issued.

III. The Commissioners of Her Majesty's Treasury may from Time to Time, by Warrant under their Hands, cause or direct the Exchequer Bonds to be issued under the Authority of this Act to be prepared for such Principal Sums, not less in any Case than One hundred Pounds, together with Receipts or Certificates specifying the Interest from Time to Time accruing thereon, to be made out in such Manner and Form and bearing such Date as shall be fixed by the said Commissioners; and such Exchequer Bonds and the Interest accruing thereon respectively shall be transferable by the Delivery of such Bonds and of the Receipts or Certificates for such Interest thereon respectively; and the said Commissioners may from Time to Time, subject to the Provisions herein contained, prescribe and regulate how and by what Officer or Officers such Exchequer Bonds shall be signed or otherwise authenticated, and provide for the Manner of Payment of the Interest accruing thereon, and also for the Issue of new Bonds in lieu of any such Bonds worn or defaced which may be delivered up to be cancelled, and for the Issue of new Bonds in lieu of such Exchequer Bonds as may be lost, at such Times, upon such Securities, and under such Conditions and Precautions as they may think fit, and generally make such Regulations for the Safety and Convenience of the Holders of such Bonds, and the Payment of Interest upon the Production or Delivery of such Receipts or Certificates, or otherwise, as they may think fit; and the said Commissioners may, by such Regulations as aforesaid, provide, if they shall see fit, for the Registration of any such Bonds as may be delivered up by the Holders thereof for that Purpose, and for the Delivery of Certificates of such Registration in lieu thereof, which shall be transferable by Entries in a Register which may be provided for that Purpose in such Manner and subject to such Conditions and Restrictions as the said Commissioners may see fit, and every such Warrant shall from Time to Time be published in the *London Gazette*.

Application of Clauses 16, 17, 18, and 19 of 17 & 18 Vict. c. 28.

IV. The several Sections Sixteen, Seventeen, Eighteen, and Nineteen of the Act of the Session holden in the Seventeenth and Eighteenth Years of Her Majesty, Chapter Twenty-three, shall apply and be construed to and in relation to the Exchequer Bonds to be prepared

prepared under the Authority of this Act, in like Manner as if such several Sections had been repeated and re-enacted in this Act.

V. The Commissioners of Her Majesty's Treasury at any Time or Times, but not later than the Thirty-first Day of *March* One thousand eight hundred and sixty-one, may cause any Number of Exchequer Bills, for such Sum or Sums of Money as they shall direct, to be made out at the Receipt of the Exchequer at *Westminster* in like Manner as is prescribed in an Act passed in the Forty-eighth Year of King *George* the Third, Chapter One, and in an Act passed in the Session of Parliament holden in the Fourth and Fifth Years of King *William* the Fourth, Chapter Fifteen, and in an Act passed in the Session of Parliament holden in the Fifth and Sixth Years of Her Majesty, Chapter Sixty-six; but so that the Amount of such Exchequer Bills taken together with the Amount of Exchequer Bonds issued from Time to Time under the Authority of this Act shall not exceed in the whole the Sum of Two million Pounds.

If full Amount of Exchequer Bonds is not issued, Exchequer Bills may be issued as prescribed by 48 G. 3. c. 1., 4 & 5 W. 4. c. 15., and 5 & 6 Vict. c. 66.

VI. All and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said Acts shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if particularly repeated and re-enacted in this Act.

The Clauses, &c. in recited Acts extended to this Act.

VII. The Principal Sum or Sums of Money to be contained in such Exchequer Bills shall be charged upon and shall be paid out of any Supplies to be granted in the next Session of Parliament.

Bills how to be charged and paid.

VIII. The Exchequer Bills to be made out in pursuance of this Act shall respectively bear Date on such Days subsequent to the passing of this Act as the Commissioners of Her Majesty's Treasury may direct, and shall bear an Interest not exceeding the Rate of Threepence Halfpenny *per Centum per Diem* in respect of the whole of the Monies respectively contained therein, payable out of any Aids or Supplies in the Bank of *England* standing to the Credit of the Exchequer.

Interest on Bills.

IX. All the Exchequer Bills to be made out by virtue of this Act, or so many of them as shall from Time to Time remain undischarged and uncancelled, shall, after Twelve Calendar Months from their respective Dates, be taken and shall pass and be current to all the Receivers and Collectors in *Great Britain* of the Customs, Excise, or any Revenue, Supply, Aid, or Tax whatsoever, already granted or payable, or which shall hereafter be granted or payable to Her Majesty, Her Heirs and Successors, and also at the Bank of *England* to the Account of Her Majesty's Exchequer, from the said Receivers or Collectors, or from any other Person or Persons, Bodies Politic or Corporate

Bills charged on Supplies to be current in Payment of Public Revenue, after Twelve Calendar Months from their Dates.

Corporate whatsoever, making any Payment there to Her Majesty, Her Heirs and Successors, upon any Account whatever.

Money raised to be paid to the Consolidated Fund.

X. All such Sums of Money as shall be raised by Exchequer Bonds or Exchequer Bills to be made out in pursuance of this Act shall be paid to the Account of Her Majesty's Exchequer at the Bank of *England*, and shall be carried to and form Part of the Consolidated Fund of the United Kingdom.

Exchequer Bonds and Bills may be delivered to Persons authorized by the Treasury.

XI. The Commissioners of Her Majesty's Treasury may direct the Comptroller General of the Exchequer from Time to Time to deliver such Amount of Exchequer Bonds or Exchequer Bills made out in pursuance of this Act, as the said Commissioners shall from Time to Time think fit, not exceeding in the whole the Sum of Two million Pounds, to such Person or Officer as may be named in any Warrant to be issued by the said Commissioners for such Purpose, and such Person or Officer shall thereafter become chargeable and be charged with such Amount of Exchequer Bonds and Exchequer Bills as may be delivered to him, subject to such Directions as may be issued to him by the said Commissioners for the Sale thereof, and such Person or Officer shall be discharged from all Account in respect of such Exchequer Bonds and Exchequer Bills, on proving, to the Satisfaction of the Commissioners for auditing the Public Accounts, that he has duly obeyed the Directions of the said Commissioners of Her Majesty's Treasury: Provided always, that the said Commissioners shall not be authorized to direct the Issue of such Exchequer Bonds and Exchequer Bills to such Person or Officer, except for the Purpose of raising Money to be paid to the Account of Her Majesty's Exchequer at the Bank of *England* as aforesaid.

Bank of England may advance 2,000,000*l.* on the Credit of Bonds, and Bills, and Commissioners of National Debt may invest Money on account of Savings Banks in Purchase of Bonds.

XII. It shall be lawful for the Governor and Company of the Bank of *England* to advance or lend to Her Majesty, upon the Credit of the Exchequer Bonds and Exchequer Bills to be made out in pursuance of this Act, any Sum or Sums of Money not exceeding in the whole the Sum of Two million Pounds (anything in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, Chapter Twenty, or in any subsequent Act to the contrary thereof in anywise notwithstanding); and also for the Commissioners for the Reduction of the National Debt to invest in the Purchase of Exchequer Bonds issued under the Authority of this Act any Money in their Hands on account of Savings Banks.

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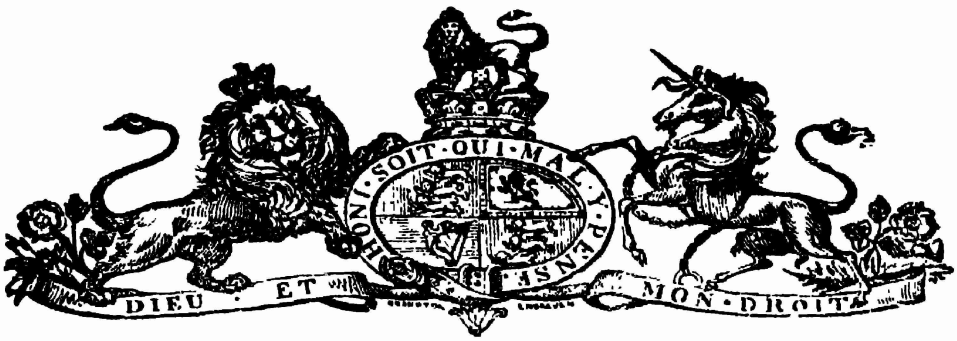

ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

***

Militia Pay.

Secretary of State for War to issue the Money required for Pay of Regular Militia.

I. The Secretary of State for War for the Time being shall cause to be issued and paid the whole Sum required for the Regular Militia of *Great Britain* and *Ireland* (when disembodied), in the Manner and for the several Uses herein-after mentioned; (that is to say,) for the Pay of the said Regular Militia at the daily Rates following; (that is to say,)

Rates of Pay.

	Infantry.			Artillery.		
	£	s.	d.	£	s.	d.
For each Adjutant - - - - -	0	10	0	0	10	0
„ Quartermaster, where One is appointed in Corps consisting of not less than 360 Private Men - - - - -	0	5	0	0	5	0
and of less than 360 Private Men -	0	3	6	0	3	6
„ Serjeant Major, where One is appointed in Corps consisting of Two or more Companies - - - - -	0	3	0	0	3	6
„ Quartermaster Serjeant (in Corps whose Establishment exceeds Four Companies)	0	2	6	0	2	10
„ Paymaster Serjeant (do.) -	0	1	10	0	2	6
and for the Serjeant performing the Duty of both Quartermaster Serjeant and Paymaster Serjeant (in Corps consisting of Four Companies or less) - -	0	2	6	0	2	10
„ Serjeant Instructor of Musketry - -	0	1	10	—		
„ Serjeant, Orderly Room Clerk, Drum Major, or Bugle Major - - -	0	1	10	0	2	6
„ Drummer, Trumpeter, or Bugler, above Sixteen Years of Age - - -	0	1	1	0	1	3
and if under Sixteen Years of Age - -	0	0	10	0	0	10

Rates of Pay when absent on Furlough.

Provided always, that when any Non-commissioned Officer, Drummer, Trumpeter, or Bugler shall be absent on Furlough or Licence, he shall during such Absence receive Sixpence *per Diem* less than the above-mentioned Rates respectively:

Contingent Fund.

And also at Rates varying from Two Shillings to Sixpence *per Annum* for each Private Man for defraying the contingent Expenses of each Regiment, Battalion, or Corps, when enrolled:

Clothing.

And the Secretary of State for War for the Time being shall give the necessary Instructions for the Provision of Clothing for each Serjeant Major, Serjeant, and Drummer, Trumpeter, or Bugler on the Disembodied Staff of the Militia of *Great Britain* and *Ireland* who shall be resident at Head Quarters, and the said Disembodied Staff shall be entitled to be clothed once in Two Years.

Adjutant, &c. to reside where the Secretary of State for War shall appoint.

II. Except when employed as herein-after provided, every Adjutant, Quartermaster, Non-commissioned Officer, and Drummer, Trumpeter, or Bugler on the Staff of the Regular Militia, when disembodied, shall reside in such Places as shall be sanctioned by the Secretary of State for War, and every such Adjutant and Non-commissioned Officer, and Drummer, Trumpeter, or Bugler shall forfeit his Pay for any Period during which he shall be absent, except when employed as herein-after provided, or when absent by Leave from the Colonel or Commandant of the Regiment, Battalion, or Corps, which Leave shall

shall not, except in case of certified Sickness, extend beyond Three Calendar Months in One Year, nor to a greater Proportion than One Third of the Non-commissioned Officers, and Drummers, Trumpeters, or Buglers, at the same Time.

Adjutants, Quartermasters, and Non-commissioned Officers of Militia may be employed in their Counties.

III. Every Adjutant, Quartermaster, and Non-commissioned Officer of the Regular Militia, when disembodied, and not called out for Training or Exercise, shall be liable to be employed within the County to which the Regiment, Battalion, or Company of the said Militia Staff belongs, under the Officers appointed to pay and superintend the Out-Pensioners of *Chelsea* Hospital, in such Manner as One of Her Majesty's Principal Secretaries of State may determine: Provided always, that the Senior Officer shall have the Command of the Force so employed.

Quartermaster, &c. to have Charge of the Arms and Clothing.

Adjutant to issue the Money for contingent Expenses on an Order signed by the Colonel.

IV. The Quartermaster of each Regiment of Militia in which a Quartermaster is appointed and receives daily Pay under the Provisions of the First Section of this Act, and when no Quartermaster is appointed, then the Adjutant of each Regiment of Militia, shall have the Charge and Care of the Arms, Accoutrements, Great Coats, Clothing, Necessaries, and other Stores thereof, under the Superintendence of the Colonel or Commandant, and the Adjutant shall, out of the Allowance directed by this Act to be issued and paid for defraying the contingent Expenses of such Regiment, Battalion, or Corps, from Time to Time issue and pay such Sums of Money as may be necessary for the Repair of Arms, and other usual contingent Expenses, upon an Order in Writing signed by the Colonel or other Commandant, and after Payment of such Sums as aforesaid he shall Three Times in the Year make up Accounts of all such Money, and of the Expenditure thereof, showing the Balance remaining in his Hands, (which said Balance shall form a Stock Purse for the Use of the Regiment, Battalion, or Corps,) and shall transmit the same to the Colonel or other Commandant of such Regiment, Battalion, or Corps, to be by him examined, allowed, and signed; and the said Accounts, so allowed and signed, shall be the proper Vouchers and Acquittal of such Adjutant for the Application and Disposal of such Money: Provided always, that it shall and may be lawful for the Secretary of State for War to order and direct that the Arms, Accoutrements, and other Stores, or any Part thereof, belonging to any Regiment, Battalion, or Corps of Militia of the United Kingdom shall at any Time, while such Regiment, Battalion, or Corps shall not be embodied or in actual Service, be conveyed to and deposited and kept in any of Her Majesty's War Office Stores.

Balance to form a Stock Purse.

Arms may be deposited in War Office Stores, by Order of Secretary of State for War.

In Absence of the Adjutant, the Serjeants to be

V. In the occasional and unavoidable Absence of the Adjutant from the City, Town, or Place where the Disembodied Staff is quartered, or during any Vacancy in the Appointment of Adjutant, the Serjeants

under the Command of the Quartermaster, and, in his Absence, of the Serjeant Major.

Serjeants and Drummers, Trumpeters, or Buglers, shall be under the Command of the Quartermaster in Cases in which One is appointed, and when no Quartermaster is appointed or is present, then under the Command of the Serjeant Major, or of some Serjeant who shall be appointed by the said Adjutant, with the Approbation of the Colonel or other Commanding Officer, to act as Serjeant Major during the Absence of such Adjutant and Quartermaster; and the said Quartermaster and Serjeant Major or acting Serjeant Major shall render the same Returns and perform such other Acts as are by Law required from the Adjutant.

Militia when called out for Training or Exercise entitled to Pay.

VI. The Officers and Volunteer Non-commissioned Officers and Private Men of the Regular Militia shall, for the Period or Periods during which they shall be called out for the Purpose of Exercise or Training, be entitled to the following daily Rates of Pay and Allowances:

	Infantry.			Artillery.		
	£	s.	d.	£	s.	d.
Colonel - - - -	1	2	6	1	2	6
Lieutenant-Colonel - - - -	0	15	11	0	15	11
Major - - - -	0	14	1	0	14	1
Captain (including non-effective Allowance) -	0	10	6	0	10	6
Lieutenant - - - - -	0	6	6	0	6	6
Ensign - - - - - -	0	5	3	0	5	3
Adjutant, if acting also as Paymaster in Corps consisting of Four Companies and upwards	0	3	9	0	3	9
" if acting also as Paymaster in Corps consisting of less than Four Companies -	0	2	6	0	2	6
" if acting also as Paymaster and Quartermaster in Corps consisting of Four Companies and upwards - -	0	7	0	0	7	0
" if acting also as Paymaster and Quartermaster in Corps consisting of less than Four Companies - - -	0	4	6	0	4	6
Quartermaster (if not holding a Subaltern's Commission, nor on the Permanent Staff)	0	6	6	0	6	6
" (if holding a Subaltern's Commission, and if not on the Permanent Staff)	0	3	6	0	3	6
(if on the Permanent Staff in Corps of not less than 360 Private Men)	0	1	6	0	1	6
" (if on the Permanent Staff in Corps of less than 360 Private Men) -	0	3	0	0	3	0
Surgeon - - - - -	0	11	4	0	11	4
Assistant Surgeon - - -	0	7	6	0	7	6
Sergeant Instructor of Musketry, in addition to the daily Rate of Pay granted by Sec. 1. - -	0	1	0	—		
Serjeant (not on the Permanent Staff) - -	0	1	6¾	0	2	6
Corporal - - - - -	0	1	2¼	0	1	4¼
Private - - - - -	0	1	0	0	1	2
Command Allowance to the Officer actually in Command during Training and Exercise, if the Pay of Colonel is not drawn - - - -	0	3	0	0	3	0
Beer Money to each Non-commissioned Officer, Drummer, and Private present at Training and Exercise - - - - -	0	0	1	0	0	1

VII. Volun-

Militia Pay.

VII. Volunteers shall, with the Sanction of the Secretary of State for War, when attached to Regiments of the Line to qualify themselves for the Permanent Staff, either as Serjeants or Drummers, Trumpeters or Buglers, be allowed Pay whilst so under Instruction, but while they remain so attached they will be under the Command of the Officer commanding the Regiment of the Line equally with the Soldiers of that Regiment, and will be subject to the Provisions of the Mutiny Act.

Volunteers attached to Regiments of the Line to be subject to the Mutiny Act.

VIII. And whereas certain Lieutenants, Ensigns, and Surgeons Mates of the Militia of *Great Britain*, or Subaltern Officers and Assistant Surgeons of the Militia of *Ireland*, when unfit for further Duty, have been placed upon a retired Allowance equal to and instead of the Allowance granted to them on the disembodying of the Militia at the Termination of the War in the Year One thousand eight hundred and fifteen: And whereas certain Paymasters, Surgeons, and Quartermasters, when unfit for Duty, have also been placed on a retired Allowance equal to and instead of their reduced Allowances granted to them in pursuance of an Act passed in the Tenth Year of the Reign of His Majesty King *George* the Fourth: All such Paymasters, Surgeons, Quartermasters, Subalterns, Surgeons Mates, and Assistant Surgeons, to entitle them to the Receipt of such retired Allowances, shall make and subscribe the following Declaration; (*videlicet*,)

Certain Officers unfit for Duty entitled to a retired Allowance, upon making the following Declaration.

'I do solemnly and sincerely declare, That I
'formerly served as a in the
'Militia; that I am not in Holy Orders; and that from the
'Day of to the Day of
'I did not hold or enjoy any Place or Employment of Profit, Civil
'or Military, under Her Majesty, or in the Colonies or Possessions
'of Her Majesty beyond the Seas, or under any other Government,
'besides my Allowance of per Diem as a of the
'said Militia, except my Half Pay or Civil Pension as a

Form of Declaration.

IX. And whereas certain Non-commissioned Officers and Drummers of the Militia of the United Kingdom of *Great Britain* and *Ireland* have, on the Reduction of the Establishment of the Disembodied Staff, been placed on the Out-Pension, although not unfit for further Service: No Non-commissioned Officer or Drummer so placed on Pension shall be entitled to receive the said Pension for any Period during which he shall be receiving Pay in the Militia.

Out-Pension to reduced Non-commissioned Officers and Drummers not to be received while serving.

X. Provided always, That any Person, being on Naval or Military Half Pay, or being entitled to any Allowance as having served in any of Her Majesty's Regular Forces, or Navy or Marines, and serving in the Militia, may receive the Pay and Allowances by this Act directed to be paid to the Field Officers,

Persons on Half Pay, or entitled to Allowance as having served in the Army or

Navy, empowered to receive Pay, &c. during Training.

Captains, Lieutenants, Ensigns, Adjutants, Quartermasters, Surgeons, Surgeons Mates, and Assistant Surgeons, when assembled for annual Training; and the receiving any such Pay and Allowances by any such Field Officer, Captain, Lieutenant, Ensign, Adjutant, Quartermaster, Surgeon, Surgeon's Mate, or Assistant Surgeon, shall not prevent such Person on Half Pay, or being entitled to any such Allowance, from receiving his Half Pay or such Allowance: Provided also, that such Person shall, in the Declaration to be taken for the Receipt of the Half Pay or such Allowance, declare that he has received or is entitled to such Militia Pay and Allowances, and shall specify the Militia Rank which entitles him to the same.

Adjutants, &c., Non-commissioned Officers, or Privates, not to lose their Right to Chelsea or Kilmainham Pensions, &c.

XI. Provided always, That no Adjutant, Quartermaster, Non-commissioned Officer, Drummer, Trumpeter, or Bugler, or Private Man, in the Regular Militia, entitled to receive any *Chelsea* or *Kilmainham* Pension or Allowance on account of Service in the Regular Army, shall forfeit or lose his Right to the same by reason of his serving and receiving Pay in the Regular Militia; nor shall any Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon forfeit or lose his Right to receive any such *Chelsea* or *Kilmainham* Pension or Allowance by reason of his receiving the Allowance by this Act granted to him when disembodied.

Allowance to be made for Medicines.

XII. There shall be granted for each Regiment of Regular Militia, when disembodied, a Sum of Money after the Rate of One Guinea for every One hundred Men of each such Regiment, for the Expense of necessary Medicines for the sick Non-commissioned Officers, Drummers, Fifers, and Private Men of such Regiment, during the Period or Periods of Assembly for Exercise or Training, and also an Allowance of Twopence per Week for each of the Non-commissioned Officers and their Families of each Regiment on the Disembodied Staff at Head Quarters, for the Expenses of necessary Medicines and Attendance given to the said Non-commissioned Officers and their Families while such Regiment is not called out for Training and Exercise.

Reduced Adjutants to receive 4s. per Day till 31st July 1861.

XIII. In case any Regiment, Battalion, or Corps of Militia shall have already ceased and determined or been reduced in its Establishment, or shall cease and determine or be reduced in its Establishment during the Continuance of this Act, the Sum of Four Shillings *per Diem* shall be paid to such Person as was or shall be actually serving as Adjutant to such Regiment, Battalion, or Corps at the Time of Reduction, from the Thirty-first Day of *July* One thousand eight hundred and sixty, or from the Time such Regiment shall cease and determine or be reduced in its Establishment, (as the Case may be,)

be,) to the Thirty-first Day of *July* One thousand eight hundred and sixty-one, in like Manner and subject to the same Restrictions and Conditions as the Allowances granted by this Act to Adjutants who shall by Age or Infirmity be rendered unfit for further Service: Provided always, that no such reduced Adjutant shall lose any Right he may have to Half Pay of the Navy, Army, Marines, or Provisional Battalion formed from the Militia by reason of receiving such Allowance as last aforesaid, but shall be entitled to receive such Half Pay as well as such Allowance.

Right to Half Pay reserved.

XIV. And whereas certain Allowances have been granted in pursuance of former Acts to Adjutants, Surgeons, and Quartermasters of Regular Militia who have by Age or Infirmity been rendered unfit for further Service: Such Allowances shall be issued and paid, during the Continuance of this Act, in like Manner and subject to the same Restrictions as the Allowances granted by this Act to Adjutants who shall by Age or Infirmity be rendered unfit for further Service: Provided always, that no Person receiving such Allowance shall by reason thereof forfeit his Right to any Half Pay to which he may be entitled.

Allowances to Adjutants Surgeons, and Quartermasters.

XV. The following Allowances shall be granted and paid, under the Restrictions and Limitations herein-after expressed, to Adjutants of the Militia of *Great Britain* and *Ireland*, on the Completion of the following Periods of Service in Her Majesty's Regular or *Indian* Forces, or in the Army of the *East India* Company, and in the Militia, if unfit, either by Age or Infirmity, for the Performance of the Duties of their Commissions; (that is to say,)

Allowances granted to Adjutants on Completion of certain Periods of Service.

To every Adjutant who shall have completed in the Service a Period of, (*videlicet*,)

Fifteen Years, of which Five Years as an Adjutant of Militia, an Allowance of Three Shillings *per Diem*:

Twenty Years, of which Seven Years as an Adjutant of Militia, an Allowance of Four Shillings *per Diem*:

Twenty-five Years, of which Ten Years as an Adjutant of Militia, an Allowance of Five Shillings *per Diem*:

Thirty Years, of which Fifteen Years as an Adjutant of Militia, an Allowance of Six Shillings *per Diem*:

Provided, that such Adjutants shall retain any Right they may have to Half Pay or to Out-Pension, notwithstanding the Grant of such retired Allowance as aforesaid; and all such Allowances shall be granted upon the Production to the Secretary of State for War of a Certificate of such Service and Disability; and upon the Order of the Secretary of State for War, founded upon such Certificate, the Paymaster

master General shall pay to such Adjutant the above Allowance: Provided always, that no Person shall be entitled to receive such Allowance as aforesaid who shall hold any Military Office or Employment of Profit under Her Majesty or any other Government; and that no Person who before the First Day of *June* One thousand eight hundred and twenty-nine held any Civil Place or Employment of Profit under the Crown, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall receive any Part of the said Allowance for any Time during which he held such Civil Place or Employment, except in the Cases in which the Emoluments of such Civil Place or Employment shall not exceed Three Times the Amount of the said Allowance, and unless in such excepted Cases the Royal Consent to the holding of such Civil Place or Employment shall have been signified through the Secretary of State for War; and that no Person appointed on or after the First Day of *June* One thousand eight hundred and twenty-nine to any Civil Place or Employment of Profit under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall receive any Part of the said Allowance for any Time during which he shall hold such Civil Place or Employment.

Restrictions as to Allowances to reduced Adjutants of the Local Militia.

XVI. And whereas certain Allowances have been granted to reduced Adjutants of the Local Militia: The said Allowances shall be issued and paid during the Continuance of this Act, under the Restrictions and in the Manner herein-after expressed: Provided always, that in the Cases in which any such Local Militia Adjutants have been permitted to receive the said Allowances whilst holding any Civil Offices under the Crown, to which Offices they had been appointed previously to the Twenty-eighth Day of *July* One thousand eight hundred and twenty-eight, it shall be lawful to continue the Payment of the said Allowances under the same Regulations and Restrictions as those under which the Permission was originally granted.

A Declaration to be taken by Adjutants of Local Militia claiming the said Allowance.

XVII. Every Adjutant of Local Militia who shall claim under the Authority of this Act to receive any Part of the said Allowance shall, previous to receiving the same, and in order to entitle himself thereto, take and subscribe a Declaration before some One of Her Majesty's Justices of the Peace in the United Kingdom, or Notary Public, or other Officer now by Law authorized to administer or receive such Declaration, or before some One of Her Majesty's Ministers, Secretaries of Embassy, of Legation, or Consuls abroad, in the Words or to the Effect following; (that is to say,)

'I *A.B.* do solemnly and sincerely declare, That I was serving as
' Adjutant in the of Local Militia at the Reduction of
'the

'the Staff of the said Militia in One thousand eight hundred and 'twenty-nine; and that I was not in Holy Orders during any Part of 'the Period for which I now claim to receive an Allowance, that is to 'say, from the Day of One thousand eight 'hundred and to the Day of One 'thousand eight hundred and ; and that I did not 'hold or enjoy, nor did any Person for me hold or enjoy, during any 'Part of the said Period, any Place, Office, or Employment of Profit, 'Civil or Military, under the Crown or any other Government, 'besides the Allowance of a Day now claimed, 'except my Half Pay as a [of the Army *or* Navy '*or* Marines, *or* of a Provisional Battalion formed from the Militia, '*as the Case may be*].'

Which Declaration, so taken and subscribed, shall be produced to the Paymaster General of Her Majesty's Forces by the Adjutant claiming the Allowance: Provided always, that any Adjutant receiving such Allowance, and being on Naval or Military Half Pay, or entitled to any Allowance as having served in any of Her Majesty's Regular Forces, or Navy or Marines, shall, notwithstanding such Militia Allowance, be entitled to receive such Half Pay or Allowance.

Allowance to Clerks of General Meetings, &c.

XVIII. Where the Militia is raised by Ballot in *Great Britain* Allowances shall be made and issued to the Clerks of General and Subdivision Meetings of Lieutenancy and others mentioned in Schedule A. to this Act for their Trouble and Expenses in the Execution of the Laws relating to the Militia at the Rates mentioned in the same Schedule; and where the Militia is raised in the United Kingdom otherwise than by Ballot, Allowances shall be made and issued to the Clerks of General Meetings for their Trouble and Expenses in the Execution of such Laws at the Rates mentioned in the Schedule B. to this Act.

Manner granting Allowances.

XIX. The said Allowances shall be granted as follows; (*videlicet*,) the Account shall be certified by the Lieutenant of the County, Stewartry, City, or Place, or by Two or more Deputy Lieutenants acting for such County, Stewartry, City, or Place, or by the Lord Warden of the Stannaries of *Cornwall* and *Devon*, or by Two or more Deputy Wardens of the Stannaries of *Cornwall* and *Devon*; and the Clerks of General and Subdivision Meetings in *Great Britain*, and the Schoolmasters, Constables, and other Officers in *Scotland*, shall make a Declaration as to the Justness of the Accounts, in the following Terms respectively, before some Justice of the Peace; (*videlicet*,)

Clerks, &c. to make Declaration of the Justness of their Accounts.

Militia Pay.

Declaration of a Clerk of General or Subdivision Meetings.

'I do solemnly declare, That the preceding Account, 'so far as regards my Interest therein, is a just and true Account 'of Business performed by me for and in behalf of the Public Service 'according to the Manner therein set forth; and the Sums claimed 'as disbursed were actually paid by me.'

Declaration of a Schoolmaster, Constable, or other Officer in Scotland.

'I do solemnly declare, That I am the Parochial 'Schoolmaster [*or* Constable *or other Officers*] of the District 'of in the Subdivision of the County 'of ; and that the preceding Account is a just and 'true Account of Business actually performed by myself for and in 'behalf of the Public Service according to the Manner therein set 'forth; and that I was employed on such Business the full Time 'therein stated; and that the Sums claimed as disbursed were 'actually paid by me.'

And the said Accounts shall be transmitted to the Secretary of State for War, who is hereby empowered to issue the Allowances according to the Rates specified in the respective Tables to this Act annexed, or such Sums as he shall think reasonable and proper.

Deputy Lieutenants may require the Attendance of any Surgeon residing near the Place of Meeting for Appeals.

XX. And whereas it is expedient that the Deputy Lieutenants acting in any Subdivision of any County, Stewartry, City, or Place in *Great Britain*, and the Special Deputy Wardens acting in any Subdivision in the Stannaries of the Counties of *Cornwall* and *Devon*, should be assisted by the Advice of a Surgeon in deciding upon the Appeals of Persons claiming to be exempt from compulsory Service in the Militia by reason of bodily Infirmity, and upon the Fitness for Service of the Persons presenting themselves for Enrolment: It shall be lawful for any Two Deputy Lieutenants and they are hereby empowered and required to summon, by Two Days previous Notice in Writing, any competent Surgeon residing at or nearest to the Place where any Meeting for Appeals or Enrolment shall be held to attend at such Meeting; and every such Surgeon shall, before he begins any such Examination, make the following Declaration, which Declaration any Deputy Lieutenant is hereby authorized to administer; (*videlicet*,)

Declaration to be made by Surgeon.

'I do solemnly declare, That I will, to the best of 'my Ability, faithfully and truly report as to the Fitness for 'Service of the Man or Men about to be submitted to my Exami-'nation, and that I will not receive from any of them any Fee or 'Reward whatever for any such Examination.'

And

And every such Surgeon shall receive for each Day's Attendance at such Meeting a Sum not less than Half a Guinea nor exceeding Two Guineas, according to the Extent of the Duty performed: Provided always, that the Accounts and Vouchers upon which the said Allowances shall be recommended by the Deputy Lieutenants of the respective Subdivisions shall be transmitted to the Secretary of State for War, with the Accounts of the Lieutenancy Clerks, for Examination and Payment.

Allowance to Surgeon.

XXI. All Sums of Money granted for the Pay, contingent and other Expenses, and for the Allowances to the Officers and Men of the Regular and Local Militia, when disembodied, shall be issued and paid under the Direction of the Secretary of State for War, by the Acceptance of Bills or otherwise, according to such Regulations as have been or shall be established on that Head.

Pay, &c. to be issued under Direction of the Secretary of State for War.

XXII. All Bills, Drafts, and Orders drawn for Pay or Allowances under this Act may be drawn upon unstamped Paper; and no such Bill, Draft, or Order shall be void by reason of being drawn or written on unstamped Paper.

Bills drawn for Pay, &c. may be on unstamped Paper.

XXIII. No Fee or Gratuity whatsoever shall be given or paid for or upon account of any Warrant or Sum of Money which shall be issued in relation to or in pursuance of this Act.

No Fee to be taken.

XXIV. All Things in this Act contained relating to Counties, and to Regiments of Militia respectively, shall be construed to extend to all Ridings, Shires, Stewartries, Cities, and Places, and to all Battalions, Corps, and independent Companies respectively, and to the Corps of Miners of *Cornwall* and *Devon*.

All Things in this Act relating to Counties shall extend to Ridings, Shires, &c.

XXV. This Act shall take effect and continue in force from the Thirty-first Day of *July* One thousand eight hundred and sixty until the First Day of *September* One thousand eight hundred and sixty-one.

Continuance of Act.

SCHE-

SCHEDULES to which this Act refers.

SCHEDULE A.

SCALE of RATES of REMUNERATION to the Clerks of General and Subdivision Meetings of Lieutenancy in Great Britain, including the Clerks of the Tower Hamlets and the Stannaries of Cornwall and Devon, and to Schoolmasters, Constables, and other Officers in Scotland, for carrying into execution the Acts relating to the Militia when the Militia are raised by Ballot.

ALLOWANCES TO THE CLERKS OF GENERAL MEETINGS.

	£	s.	d.
1. For Trouble in calling a General Meeting by Circular Letters or Advertisements (no separate Charge being made for writing the Letters or framing the Advertisements) -	0	7	6
2. For attending General Meetings at which the Statutory Quorum of Lieutenancy shall be present, each - -	5	5	0
For each Meeting which shall be necessarily adjourned by the Clerk in consequence of the Absence of the Lord Lieutenant or Deputy Lieutenants - - - -	1	11	6
Which Allowances are to be in full for engrossing Minutes, &c.			
3. For filling up printed Precepts to the High or Chief Constable of each Subdivision, Hundred, Lathe, Rape, or Wapentake in England and Wales, including the Tower Hamlets, and the Stannaries of Cornwall and Devon, to return Lists, each	0	0	6
For filling up printed Precepts to the Schoolmasters, Chief Constables, or other Officers in Scotland to return Lists, each - - - - - - - -	0	0	6
4. For writing the annual Advertisements for regulating, arranging, and fixing the First Subdivision Meeting of the Deputy Lieutenants for receiving the Parochial Lists and hearing Appeals - - - -	0	7	6
5. For arranging Subdivision Lists and making Abstracts thereof, Schedule (D.), for the Privy Council, the Secretary of State, and the Secretary-at-War (the latter Copy to be annexed to the Clerk's Accounts as a Voucher); videlicet,			
In Counties furnishing a Quota of 200 Men or under in the original Number of the Militia - - -	2	2	0
In Counties furnishing from 201 to 400 Men - -	3	3	0
Ditto - - from 401 to 600 Men - -	4	4	0
Ditto - - from 601 to 800 Men - -	5	5	0
Ditto - - from 801 Men and upwards -	6	6	0
6. For striking the Proportion of Men to serve for the several Hundreds, Rapes, Lathes, Wapentakes, or other Divisions of a County in England and Wales, and for each respective Parish or other Division of a County or Stewartry in Scotland, under the several Acts of Parliament relating to the Regular Militia, when necessary to be done:			
In Counties furnishing a Quota of 200 Men or under -	1	1	0
Ditto - - - from 201 to 400 Men -	2	2	0
Ditto - - - from 401 to 600 Men -	3	3	0
Ditto - - - from 601 to 800 Men -	4	4	0
Ditto - - - from 801 Men and upwards	5	5	0

Militia Pay.

	£	s.	d.
7. For Trouble in engrossing in a Book the Names of the Men contained in each Subdivision Return of Enrolment, Schedule (E.):			
For engrossing 50 Names and under - - -	0	5	0
Ditto - 51 to 150 Names - - -	0	10	0
Ditto - 151 to 250 Names - - -	1	0	0
Ditto 251 Names and upwards - - -	1	10	0
8. For drawing out fair Copy of the Lord Lieutenant's annual Return of the Militia for the County, containing the Number, Names, and Rank of the Officers, and the Number of the Non-commissioned Officers, Drummers, and Private Men:			
In Counties furnishing One Regiment, Battalion, or Corps - - - - -	0	15	0
Ditto - Two - Ditto - -	1	10	0
Ditto - Three - Ditto - -	2	0	0
No separate Charge being made for Attendance upon the Lord Lieutenant or Deputy Lieutenants for his or their Signatures thereto.			
Note.—This Allowance is of course only chargeable by the General Clerks for those Counties in Scotland which furnish the greatest Proportion of Men towards the Formation of the Regiment, Battalion, or Corps.			
9. For Stationery:			
To the Clerk of General Meetings in a County where the Number in the original Quota of the Militia is under 300 Men - - - - - -	2	0	0
Ditto - from 301 to 600 Men - -	3	0	0
Ditto - from 601 to 900 Men - - -	4	0	0
Ditto - from 901 Men and upwards - -	5	0	0
10. For Copyings, Correspondence, &c. &c.:			
To the Clerk of the General Meetings in a County where the Number of the original Quota of the Militia is 200 Men or under - - - - -	2	0	0
In a County furnishing from 201 to 400 Men - -	3	0	0
Ditto - - from 401 to 600 Men - -	4	0	0
Ditto - - from 601 to 800 Men - -	5	0	0
Ditto - - from 801 Men and upwards -	6	0	0
11. The actual Amount expended for printing and publishing the Advertisements, for Postages, Expresses, and Messengers, to be allowed upon an Account, specifying each Article of Postage, &c., certified specially by the Lieutenancy, whose Certificate shall state that the same were necessary and actually performed.			
The Charge for printing and publishing Advertisements is invariably to be supported by the Receipt of the Person to whom paid.			

TRAINING AND EXERCISE.

12. For filling up printed Notices to the Clerks of Subdivision Meetings of the Time and Place fixed by the Lord Lieutenant or Deputy Lieutenants for assembling the Militia to be trained and exercised, each Notice - - -	0	0	6
13. For making out correct Abstracts from the Adjutant's or other Commanding Officer's Returns, Schedule (F.), in the Form Schedule (G.), for Her Majesty's Secretary of State for the Home Department in Counties in England and			

	£	s.	d.
Scotland furnishing a Quota towards the Formation of an entire Regiment or Battalion - - -	1	0	0
In Counties in England, Wales, and Scotland furnishing One Regiment, Battalion, or Corps - - -	2	0	0
Ditto - Two - Ditto - -	3	0	0
Ditto - Three - Ditto - -	4	0	0

ALLOWANCES TO CLERKS OF SUBDIVISION MEETINGS.

14. For Trouble in calling a Subdivision Meeting by Advertisement, no separate Charge being made for writing Letters or framing Advertisement - - - -	0	5	0
Or for calling a Meeting by Circular Letters to the Deputy Lieutenants, the Adjutant, or other Commanding Officer, (no Charge being made for the Draft,) for each Letter -	0	1	0
15. For attending Subdivision Meetings, for each of the Three first or principal Meetings at which the Statutory Quorum of Lieutenancy shall be present; videlicet, For receiving Lists and hearing Appeals, For balloting, For enrolling, And for the Meeting held to apportion the Deficiencies among the Parishes, et cetera, when necessary to be done; and also for calling out the Quota or Apportionment of the Subdivision to be trained and exercised, which Allowance shall be in full for engrossing Minutes and making up Lists - - -	2	2	0
And for each Meeting held by Adjournment to complete the Business of any or either of the Three first or principal Meetings above enumerated, which Allowance shall be in full for engrossing Minutes and making up Lists - -	1	5	0
And for each Meeting which shall have been summoned, but which is necessarily postponed by the Subdivision Clerk in consequence of the Absence of the Deputy Lieutenant -	0	15	0
16. For filling up printed Precepts to the Chief or High Constables in England and Wales, including the Tower Hamlets and Stannaries of Cornwall and Devon, to give Notice of the Number of Men apportioned to serve for each Parish, and to issue out their Orders to the Petty Constables to serve Notices upon balloted Men, each Precept - -	0	0	6
And for filling up printed Precepts to the Schoolmasters, Chief Constables, or other Officers in Scotland, for the Performance of similar Duty, each Precept - -	0	0	6
17. For Trouble in amending the Returns of Persons liable to serve in the Regular Militia, by taking out the Names of all Persons who may appeal, and whose Appeals or Claims of Exemption have been allowed, and inserting the Names of any Persons that have been omitted to be inserted, and in numbering the Returns, and making out the Tickets for the balloting, after the Rate of Two Pounds for every One thousand Names of Persons returned liable to serve, and so in proportion for a greater or smaller Number of Men	£2 per 1,000		
18. For making out the annual Abstracts of Lists, Schedule (C.), for the Use of the Clerk of General Meetings, where the original Quota or Apportionment of the Subdivision is - - 50 Men and under - - -	2	2	0
Ditto from 51 to 150 Men - - -	3	3	0
Ditto from 151 to 250 Men - - - -	4	4	0
Ditto from 251 Men and upwards - - -	5	5	0

Militia Pay.

	£	s.	d.
19. For making out fair and true Copies of Lists of Men enrolled for each Subdivision of a County in Great Britain, including the Tower Hamlets and the Stannaries of Cornwall and Devon, for the Use of the Clerk of General Meetings, Schedule (E.), and the Colonel or Commandant of the Regiment of the County; (videlicet,)			
For a Roll containing 50 Names and under - -	0	5	0
Ditto from 51 to 150 Names - -	0	10	0
Ditto from 151 to 250 Names - -	0	15	0
Ditto from 251 Names and upwards - -	1	0	0
20. For Stationery to the Clerk of a Subdivision furnishing Men towards the Quota of a County in the following Proportions; (videlicet,)			
For a Subdivision furnishing 50 Men and under -	1	10	0
Ditto from 51 to 150 Men - -	2	0	0
Ditto from 151 to 250 Men - - -	2	10	0
Ditto from 251 Men and upwards - -	3	0	0
21. For Correspondence, Copyings, et cetera, to the Clerk of a Subdivision furnishing Men towards the Quota of a County in the following Proportions; (videlicet,)			
For a Subdivision furnishing 50 Men and under -	2	0	0
Ditto from 51 to 150 Men - -	3	0	0
Ditto from 151 to 250 Men - - -	4	0	0
Ditto from 251 Men and upwards - -	5	0	0
22. The actual Amount expended for printing and publishing Advertisements, for Postage, Expresses, and Messengers, to be allowed upon an Account specifying each Article of Postage, and specially certified by the Lieutenancy, whose Certificate shall state that the same was necessary and actually performed.			
The Charge for printing and publishing Advertisements is invariably to be supported by the Receipt of the Person to whom paid.			
23. For Trouble in apportioning and distributing to the Constables of the several Townships, Parishes, et cetera, within the Limits of the Subdivision, the various Forms of Schedules, et cetera:			
For a Subdivision furnishing 50 Men and under -	0	5	0
Ditto from 51 to 150 Men - -	0	10	0
Ditto from 151 to 250 Men - - -	0	15	0
Ditto from 251 Men and upwards - -	1	0	0

TRAINING AND EXERCISE.

24. For filling up printed Precepts to the High or Chief Constable in each Subdivision of any County in England and Wales, including the Tower Hamlets and the Stannaries of Cornwall and Devon, to issue out their Warrants to the Petty Constables, Tithingmen, or other Officers within their respective Hundreds to give Notice in Writing to the Men enrolled to attend the Training and Exercise of the Militia:			
For each Precept containing 50 Names and under -	0	5	0
Ditto from 51 to 150 Names - -	0	10	0
Ditto from 151 to 250 Names - -	0	15	0
Ditto from 251 Names and upwards - -	1	0	0

Militia Pay.

	£	s.	d.
And for filling up printed Precepts to the Chief Constables, and to the Schoolmasters, Constables, or other Officers of the Parishes within the Subdivision of any County, Stewartry, City, or Place in Scotland, to give Notice in Writing to the Men enrolled to attend the Training and Exercise of the Militia:			
For each Precept containing 10 Names and under -	0	0	6
Ditto from 11 to 30 Names - -	0	1	0
Ditto from 31 to 50 Names - -	0	2	6
Ditto from 51 to 70 Names - -	0	4	0
Ditto from 71 to 100 Names - -	0	7	0
Ditto from 100 upwards - - -	0	10	0
25. For making out full and true Lists of the Names and Dates of Enrolment of all Persons enrolled within each Subdivision respectively, for the Use of the Commanding Officer and Adjutant of each Regiment, Battalion, or Corps of any County, Stewartry, City, or Place in Great Britain, previously to the Training and Exercise:			
For a Roll containing 20 Names and under - -	0	2	0
Ditto from 21 to 50 Names - -	0	5	0
Ditto from 51 to 150 Names - -	0	10	0
Ditto from 151 to 250 Names - -	0	15	0
Ditto from 251 and upwards - -	1	0	0
26. For correcting the Books of Enrolment of the Subdivision so as to correspond accurately with the Extracts from the Adjutant's or other Commanding Officer's Return, Schedule (F.), of the State of the Classes of the Men forming the Quota or Apportionment serving in the Regiment, Battalion, or Corps of Militia of any County, Stewartry, City, or Place in Great Britain:			
For a Subdivision furnishing 50 Men and under -	0	5	0
Ditto from 51 to 150 Men - -	0	10	0
Ditto from 151 to 250 Men - - -	0	15	0
Ditto from 251 and upwards - -	1	0	0

ALLOWANCES TO SCHOOLMASTERS IN SCOTLAND.

27. For filling up and delivering Notices to Householders, for each Day consisting of Eight Hours - - -	0	5	0
28. For making out Lists, for each Folio consisting of Sixty Lines - - - - -	0	1	0
29. For attending Meetings of Lieutenancy, each Meeting -	0	10	0
30. For filling up and delivering Notices to balloted Men, per Day - - - - - - -	0	5	0
31. For Stationery, per Annum - - -	0	5	0

ALLOWANCES TO CONSTABLES IN SCOTLAND.

32. For filling up and delivering Notices to Householders, for each Day consisting of Eight Hours - - -	0	4	0
33. For making out Lists, for each Folio consisting of Sixty Lines - - - - -	0	1	0
34. For attending each Meeting of Lieutenancy, per Day -	0	4	0
35. For filling up and delivering Notices to balloted and enrolled Men, per Day - - - - - -	0	4	0
36. For Stationery, where the Lists are made out by the Constables, per Annum - - - -	0	5	0

SPECIAL CONTINGENT ALLOWANCES applicable to the Clerks of General Subdivision Meetings of Lieutenancy respectively.

37. When it is necessary to call the Person from a Distance to perform the Duty of a General or Subdivision Clerk, such Person shall have an Allowance for his travelling Expenses not exceeding Ninepence per Mile, and the Expenses of Tolls and Ferry Money; but the Particulars of such Expenses shall be specified in a Statement, and certified by the Lieutenancy, and transmitted in support of the Charge in the Clerk's annual Account.

38. The Expense necessarily incurred for the Use of the Room at the Place of Meeting to be allowed upon the Production of the Receipt of the Person to whom the same may be paid.

SCHEDULE B.

SCALE of RATES of REMUNERATION to the Clerks of General Meetings for any Duty they may be required to perform under the Acts relating to the Militia, or by Her Majesty's Secretary of State, or (in Ireland) by the Lord Lieutenant, in execution of the Provisions of such Acts when the Militia is raised otherwise than by Ballot.

CLERKS OF GENERAL MEETINGS.

	Per Annum. £	s.	d.
For Trouble in executing the Duty required of them, including Copyings, Correspondence, and Stationery:			
In Counties where the Quota does not exceed 200 -	15	0	0
Where the Quota is			
Above 200, and not exceeding 400 - - -	20	0	0
Above 400, and not exceeding 500 - - -	25	0	0
And where the Quota exceeds 500, the following Additions for every 100, or fractional Part of 100:			
Above 500, and not exceeding 1,000 - - -	4	0	0
Above 1,000, and not exceeding 2,000 - -	3	0	0
Above 2,000, and not exceeding 3,000 - - -	2	0	0
Above 3,000, and not exceeding 4,000 - -	1	10	0
Above 4,000 - - - - - -	1	0	0
For convening and attending any General Meeting summoned by the distinct Order of the Secretary of State, or (in Ireland) of the Lord Lieutenant - -	2	2	0

The actual Expense incurred in printing or advertising, and for Postage, may be charged.

LONDON:
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ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

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CAP. CXXXIV.

An Act to amend the Law regarding Roman Catholic Charities. [28th *August* 1860.]

WHEREAS it is expedient that the Laws concerning Charities relating to or connected with the Roman Catholic Religion in *England* or *Wales* should be amended in the Particulars herein-after provided for: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Charities for lawful Purposes not to be invalidated by the Addition of unlawful Trust, but the Property may be apportioned, and the whole applied to lawful Purposes.

I. No existing or future Gift or Disposition of Real or Personal Estate upon any lawful Charitable Trust for the exclusive Benefit of Persons professing the Roman Catholic Religion shall be invalidated by reason only that the same Estate has been or shall be also subjected to any Trust or Provision deemed to be superstitious, or otherwise prohibited by the Laws affecting Persons professing the same Religion, but in every such Case it shall be lawful for the High Court of Chancery, or any Judge thereof sitting at Chambers, in exercise of the Jurisdiction created by the Charitable Trusts Act, 1853, upon the Application of Her Majesty's Attorney General, or of any Person authorized for this Purpose by the Certificate of the Board of Charity Commissioners for *England* and *Wales*, or for the said

said Board upon the Application of the Person or Persons acting in the Administration of such Real or Personal Estate, or of a Majority of such Persons, to apportion the same Estate, or the annual Income or Benefit thereof, so that a Proportion thereof, to be fixed by such Court or Judge, or by the said Board, as the Case may require, may be exclusively subject to the lawful Charitable Trusts declared by the Donor or Settlor, and that the Residue thereof may become subject to such lawful Charitable Trusts for the Benefit of Persons professing the Roman Catholic Religion, to take effect in lieu of such superstitious or prohibited Trusts as the said Court or Judge, or the said Board, may consider under the Circumstances to be most just; and also that it shall be lawful for the Court or Judge, or Board, making any such Apportionment by the same or any other Order or Orders to establish any Scheme for giving effect thereto, and to appoint Trustees for the Administration of the several Portions of such Real and Personal Estate, according to the Trusts established of the same Proportions respectively, and to vest the Estate to be so apportioned in the Trustees so to be appointed.

No Proceedings to be instituted as to Dealings with Roman Catholic Charities prior to 2 & 3 W. 4. c. 115.

II. No Proceedings at Law or in Equity shall be brought or instituted on account or in respect of any Dealings, Transactions, Matters, or Things with or concerning any Real or Personal Estate subject to any Use, Trust, Gift, Foundation, or Disposition for any Charity relating to or connected with the Roman Catholic Religion which took place prior to the passing of the Act of the Second and Third Years of the Reign of King *William* the Fourth, Chapter One hundred and fifteen: Provided that nothing herein contained shall extend to sanction or exempt from such Proceedings as aforesaid the fraudulent Misapplication or Conversion of any such Real or Personal Estate to any private Use or Purpose not being charitable.

Certain Deeds for Roman Catholic Charities not to be void if enrolled within Twelve Months from passing of Act. 9 G. 2. c. 36.

III. No Deed or other Assurance for any Charity relating to or connected with the Roman Catholic Religion made subsequently to the passing of the Act passed in the Ninth Year of the Reign of King *George* the Second, intituled *An Act to restrain the Disposition of Lands whereby the same become inalienable*, and before the passing of this Act, shall be void or voidable by reason of the same not having been made, perfected, or enrolled in the Manner directed by the first-named Act, or otherwise, under the Provisions of the said Act, if such Deed or Assurance has been or shall be, within Twelve Months after the passing of this Act, enrolled in the High Court of Chancery: Provided that every Deed or Assurance for any such Charity as aforesaid coming within the Provisions of the Act passed in the Ninth Year of the Reign of King *George* the Fourth,

Fourth, intituled *An Act for remedying a Defect in the Titles of Lands purchased for charitable Purposes*, shall have the Benefit thereof notwithstanding anything herein contained. 9 G. 4. c. 85.

IV. The Expense of the Enrolment of any Deed under the Third Section of this Act shall be defrayed out of the Property subject to the Charity to which the same may relate. Expense of Enrolment, how to be defrayed.

V. Where any Real or Personal Estate, subject to any Use, Trust, Gift, Foundation, or Disposition for any Charity relating to or connected with the Roman Catholic Religion, shall have been applied upon any Charitable Trusts relating to or connected with the same Religion during any continuous Period of Twenty Years, but the original Trusts of such Property shall not be ascertained by means of any written Document, the consistent Usage of the last preceding Twenty Years, or of the last Period of Twenty Years during which any consistent Usage in the Application of such Property shall have prevailed, shall be deemed to afford conclusive Evidence of the Trusts on which the same Property shall have been settled. The Trusts of Charities in the Absence of Settlements may be ascertained from the Usage.

VI. Nothing in this Act contained shall extend to give effect to any Use, Trust, Gift, Foundation, or Disposition heretofore made which has been already avoided in any Proceeding at Law or in Equity, or to prejudice any Suit at Law or in Equity commenced before the passing of this Act, or to affect any Property held or enjoyed beneficially by any Person or Persons at the Time of the passing of this Act adversely to any such Use, Trust, Gift, Foundation, or Disposition. The Act not to prejudice past or pending Proceedings or adverse Possession.

VII. Nothing in this Act contained shall be taken to repeal or in any way alter any Provisions of an Act passed in the Tenth Year of His late Majesty King *George* the Fourth, intituled *An Act for the Relief of His Majesty's Roman Catholic Subjects*, respecting the Suppression or Prohibition of the Religious Orders or Societies of the Church of *Rome* bound by Monastic or Religious Vows. Nothing in this Act to repeal Provisions of 10 G. 4. c. 7.

VIII. In the Construction of this Act, except where the Context or other Provisions of this Act shall require a different Construction, the Expression "Charity" herein contained shall be construed to mean and include the same Matters and Things as the like Expression means and includes in the "Charitable Trusts Act, 1853." Interpretation of "Charity."

IX. This

Short Title.

IX. This Act may for all Purposes be cited as "The Roman Catholic Charities Act."

Extent of Act.

X. This Act shall be confined in its Operation to *England* and *Wales*.

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shall be from Time to Time required, and may frame such special Orders and Regulations for and in relation to the Constables to be employed under this Act, and either in addition to or in substitution for any of the Orders and Regulations for the Time being applicable to the Police Force within the Metropolitan Police District, as he shall from Time to Time deem expedient for preventing Neglect or Abuse and securing the Efficiency of the Constables so employed.

Commissioner of Metropolitan Police may swear Constables to act within Her Majesty's Yards, &c. and within Fifteen Miles thereof.

II. It shall be lawful for the Commissioner of Police of the Metropolis to administer to any Constable belonging to the Metropolitan Police Force who may be appointed or employed as aforesaid an Oath to execute the Office of Constable within all or any of Her Majesty's Yards, or of the principal Stations of the War Department, in any Part of *England* and *Wales*, and within Fifteen Miles of such Yards or Stations; and every Constable so sworn shall have the Powers and Privileges and be liable to the Duties and Responsibilities of Constable within the Yards, Stations, and Limits for which he is so sworn, as well on Seas as in Harbours and Havens, and on Rivers and other Waters as on Land, and shall act within such Yards, Stations, and Limits as fully as in any Part of the Metropolitan Police District: Provided always, that the Powers and Privileges of the Constables of the Metropolitan Police, when without the Yards, Naval and Marine Hospitals and Infirmaries, and Marine Barracks or Stations, and not on board or in any Ship, Vessel, or Boat belonging to Her Majesty or in Her Majesty's Service, shall only be used in respect of the Property of the Crown, or of Persons subject to Naval or Marine or Military Discipline.

Assistant Commissioners to act as herein stated.

III. The Assistant Commissioners, and each or either of them, shall act in execution of this Act in like Manner as in execution of the Acts relating to the Police of the Metropolis.

Charges incurred for Constables to be defrayed out of Monies provided by Parliament.

IV. The Charges and Expenses which may be incurred by and in consequence of the Employment of Constables under the Provisions of this Act, and the Pay of such Constables while so employed, and a fair and reasonable proportionate Part of the general Superintendence of the Police, and of any Deficiency which there may at any Time or Times happen to be in the Metropolitan Police Superannuation Fund, and all other Charges and Expenses for carrying this Act into execution, shall be paid out of such Monies as may be provided by Parliament for this Purpose.

The Commissioner of Police, &c. incapacitated

V. The Commissioner of Police of the Metropolis shall not, nor shall any Assistant Commissioner of Police of the Metropolis, or any Person belonging to the Metropolitan Police Force, during the

the Time he continues in such Office and is employed under this Act, or within Six Months after he has quitted his Office or ceased to be so employed, be capable of giving his Vote for the Election of a Member to serve in Parliament for any County or Division of a County, or City, Borough, or Place in which or in any Part of which he may be authorized to act under the Provisions herein contained, or by Word, Message, Writing, or in any other Manner endeavour to persuade any Elector to give or dissuade any Elector from giving his Vote for the Choice of any Person to be a Member to serve in Parliament for any such County, Division, City, or Borough, and if any such Commissioner or Assistant Commissioner of Police, or Person belonging to the Metropolitan Police Force, shall offend therein, he shall forfeit the Sum of One hundred Pounds, to be recovered by any Person who will sue for the same by Action of Debt to be commenced within Six Months after the Commission of the Offence, and one Moiety of the Sum so recovered shall be paid to the Informer, and the other Moiety thereof to the Receiver for the Metropolitan Police District, to be by him added to and applied as Part of the Funds for the Purposes of the Police under this Act: Provided always, that nothing in this Enactment contained shall subject any such Commissioner or Assistant Commissioner of Police, or Person belonging to the Metropolitan Police Force, to any Penalty for any Act done by him at or concerning any of the said Elections in the Discharge of his official Duty.

for voting for certain Candidates for Parliament.

VI. The Word "Yards," where mentioned in this Act, shall mean Her Majesty's Dockyards, Her Majesty's Victualling Yards, and Her Majesty's Steam Factory Yards; and the Word "Stations" shall mean only the principal Stations of Her Majesty's War Department and the Central Arsenal when the same shall be hereafter created.

The Word "Yards."

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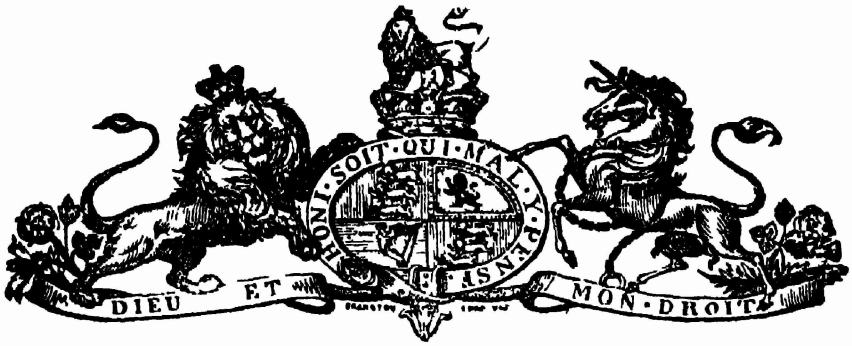

ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

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CAP. CXXXVI.

An Act to amend the Law relating to the Administration of Endowed Charities.

[28th *August* 1860.]

WHEREAS it is expedient to provide increased and inexpensive Facilities for the Administration of Endowed Charities: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

The Charitable Trusts Acts to be construed with this Act.

I. "The Charitable Trusts Act, 1853," and "The Charitable Trusts Amendment Act, 1855," and this Act, shall be construed together as One Act, and any Provisions of the said former Acts inconsistent with this Act are hereby repealed.

Certain administrative Powers to be exercisable by the Charity Commissioners.

II. The Board of Charity Commissioners for *England* and *Wales*, subject to the Restrictions and Rights of Appeal herein-after provided, shall have Power from Time to Time, upon the Application of any Person or Persons who, under the Forty-third Section of "The Charitable Trusts Act, 1853," might be authorized to apply to any Judge or Court for the like Purposes, to make such effectual Orders

as may now be made by any Judge of the Court of Chancery sitting at Chambers, or by any County Court or District Court of Bankruptcy, for the Appointment or Removal of Trustees of any Charity, or for the Removal of any School Master or Mistress or other Officer thereof, or for or relating to the Assurance, Transfer, Payment, or vesting of any Real or Personal Estate belonging thereto, or entitling the Official Trustees of Charitable Funds, or any other Trustees, to call for a Transfer of and to transfer any Stock belonging to such Estate, or for the Establishment of any Scheme for the Administration of any such Charity.

Board to notify to Trustees of Charity their Intention of exercising Jurisdiction.

III. The said Board, previously to making any Order under the Jurisdiction vested in them by this Act, shall notify to the Trustees or Administrators (if any) of the Charity to be affected thereby their Intention of exercising such Jurisdiction, by Notice in Writing, to be delivered to them, or sent to them by the Post at their last known Place of Abode in *Great Britain* or *Ireland*.

The Powers to be exercisable over no Charities of which the gross Income shall exceed 50*l.* without Application of Trustees.

IV. The said Board shall not make any Order, under the Jurisdiction vested in them by this Act, with respect to any Charity of which the gross annual Income, exclusively of the yearly Value of any Buildings or Land used wholly for the Purposes thereof, and not yielding any pecuniary Income, shall amount to Fifty Pounds or upwards, except upon the Application of the Trustees or Persons acting in the Administration of the Charity, or a Majority of them, to be made to the said Board in Writing under their Hands if they shall be unincorporated, or under their Common Seal if they shall be incorporated, and the Board shall not make any Order removing any Trustee on the Ground only of his Religious Belief.

The Board shall not exercise Jurisdiction over Contentious Cases.

V. The said Board also shall not exercise the Jurisdiction hereby vested in them in any Case which, by reason of its Contentious Character, or of any special Questions of Law or of Fact which it may involve, or for other Reasons, they may consider more fit to be adjudicated on by any of the Judicial Courts.

Notices to be given of certain Orders, and Objections or Suggestions to be received.

VI. No Order appointing or removing a Trustee, or establishing a Scheme for the Administration of any Charity, shall be made by the said Board before the Expiration of One Calendar Month after public Notice of the Proposal to make such Order shall have been given, as they may consider most expedient and effectual for ensuring the Publicity thereof, in each Parish or District in which the Charity, if of a local Character, shall be applicable, or among all Persons interested therein; and no Order removing a Trustee or School Master or Mistress or other Officer of a Charity who shall have any known Place of Residence in *Great Britain* or *Ireland*, and who shall not

not be consenting to be discharged, shall be made before the Expiration of One Calendar Month after Notice of the Proposal to make such Order shall have also been delivered to him or her, or sent by the Post or otherwise to such his or her Place of Residence, and until after sufficient Hearing of the Matter before the said Board, or some Member thereof, or One of their Inspectors; and every Notice hereby required shall contain (so far as conveniently may be) sufficient Particulars of the Objects of the proposed Order, and shall prescribe a reasonable Time within which any Objections thereto or Suggestions thereon may be made or transmitted to the Board; and the said Board shall receive and consider all such Objections and Suggestions, and may withhold, suspend, or modify their proposed Order, as they shall thereupon, or in the Result of further Inquiry, or otherwise, think expedient.

Publication of definitive Orders.

VII. A Copy of every such Order when made shall, in the Case of any local Charity, be deposited for the Space of One Calendar Month in some convenient Place within the Parish or One of the Parishes or in the District in which the Charity shall be applicable, and shall be open to public Inspection there at all reasonable Hours during the same Period; and a Copy also of every such Order relating to any Charity, whether local or general, shall be kept, open to public Inspection at all reasonable Hours, at the Office of the Commissioners, during a like Period of One Calendar Month; and in each Case effectual Publicity shall be given to the making of the Order by such Means as the Board shall consider most expedient for that Purpose.

Power to appeal against Orders of Board.

VIII. The Attorney General, or any Person authorized by him or by the said Board, in the Case of any Charity, whatever may be the yearly Income of its Endowments, and any Trustee or Person acting in the Administration of or interested in any Charity of which the gross yearly Income to be calculated in manner aforesaid shall exceed Fifty Pounds, or any Two Inhabitants of any Parish or District in which the same shall be specially applicable, may, within Three Calendar Months next after the definitive Publication of any Order of the said Board appointing or removing a Trustee or Trustees, or for or relating to the Assurance, Transfer, Payment, or vesting of any Real or Personal Estate, or establishing a Scheme for the Administration of the Charity, present a Petition to the High Court of Chancery in a summary Way, appealing against such Order, and praying such Relief as the Case may require; and any Schoolmaster or Schoolmistress or other Officer removed by the Order of the Board, without the Concurrence of the Trustees or Persons acting in the Administration of the Charity, or a Majority of

of them, and without the Approval of a Special Visitor, if any, of the Charity, may, within Two Calendar Months (next after his or her Removal), appeal in like Manner against the Order of Removal; and the Court, upon or before the Hearing of any such Petition of Appeal as aforesaid or at any Stage of the Proceedings, may require, if it shall think fit, from the said Board, their Reasons for making the Order appealed against, or for any Part of such Order, and may remit the same to the Board for Reconsideration, with or without any Declaration in relation thereto, or may make any substitutive or other Order in relation to the Matter of the Appeal, as it shall think just; and the Court may make any Order respecting the Costs, Charges, or Expenses incident to the Appeal, and may also, before hearing or proceeding with the same, require from any Appellant, other than the Attorney General, proper Security for such Costs, Charges, and Expenses as may be eventually payable by him; but no such Petition of Appeal shall be presented by any Person, other than the Attorney General, before the Expiration of Twenty-one Days after written Notice, under the Hand of such Appellant, of his or her Intention to present such Petition, shall have been delivered to the said Board at their Office.

Who may be the Respondent on Appeals.

IX. The Attorney General, if he shall think fit, or any Person authorized by him or by the said Board, may appear as the Respondent upon any such Appeal, and the Court may make any Order respecting the Costs, Charges, and Expenses of the Attorney General or other Defendant.

Powers to be applicable to Charities vested in Corporations, &c.

X. The Jurisdiction vested by this Act in the said Board shall be exercisable with reference to Charities vested in any Corporation Sole or Aggregate, who, either solely or jointly with any other Person or Persons, shall also be the Recipients of the Benefit thereof.

Jurisdiction of the District Courts of Bankruptcy and County Courts enlarged.

XI. The Jurisdiction vested by the Charitable Trust Act, 1853, in the District Courts of Bankruptcy and County Courts, over Charities not possessing a larger gross yearly Income than Thirty Pounds, shall be exercisable by the said Courts respectively for the like Purposes and under the like Provisions over Charities of which the gross yearly Income for the Time being, to be calculated in manner aforesaid, shall not exceed Fifty Pounds, in the same Manner as if the last-mentioned Limit to the Jurisdiction of the said Courts had been fixed by the said former Act.

Official Trustees of Charitable Funds may be empow-

XII. Any Court or Judge, or the said Board, having Jurisdiction to authorize the official Trustees of Charitable Funds to call for a Transfer of and to transfer any Annuities, Stock, or Securities, may empower

empower them also to receive and recover, in trust for the Charity to which the same shall belong, all Dividends, Interest, and Income accrued from any such Annuities, Stock, or Securities respectively, and which shall for the Time being be in arrear.

ered to receive Arrears of Dividends.

XIII. Where any School Master or Mistress or other Officer, or any Recipient of the Benefit of a Charity, being in possession by virtue of his or her Office, or as such Recipient, of any House, Buildings, Land, or Property of the Charity, shall have been removed from or shall cease to hold such his or her Office, or his or her Place as such Recipient, but he or she, or any Person claiming under him or her, shall refuse or neglect to relinquish the Possession of such House, Buildings, Land, or Property within One Calendar Month next thereafter, to his or her Successor, or to the Trustees or Persons acting in the Administration of the Charity, or as they shall direct, it shall be lawful for any Two or more Justices of the Peace acting for the District, Division, or Place in which such House, Buildings, Land, or Property shall be situate, in Petty Sessions assembled, and they are hereby required, on the Complaint of the said Trustees or Administrators, and on the Production of an Order of the said Board certifying such School Master or Mistress or other Officer or Recipient to have been duly removed from or to have ceased to hold his or her Office or Place, (which Order under the Seal of the said Commissioners shall be conclusive Evidence of the Facts thereby certified, and of the Jurisdiction of the said Commissioners to make such Order for all the Purposes of this Enactment, and shall afford a complete Indemnity to all Persons acting thereunder,) to issue a Warrant under the Hands and Seals of such Justices to any Constables or Peace Officers of the same District, Division, or Place, commanding them, within a Period to be thereby appointed, not being less than Ten or more than Twenty-one clear Days thereafter, to enter into the Premises, and deliver Possession thereof to the said Trustees or Administrators, or their Nominee or Agent, and to remove therefrom such former School Master or Mistress, or other Officer or Recipient, and all Persons claiming in his or her Right, as fully and effectually, and subject to the same Provisions, as nearly as the Case will permit, as Justices of the Peace are empowered to give Possession of any Properties to the Landlord or his Agent upon the Determination of the Tenancy thereof, under an Act passed in the First and Second Years of the Reign of Her Majesty, Chapter Seventy-four, for facilitating the Recovery of Possession of Tenements after the Determination of the Tenancy.

Power for Magistrates to give Possession of School Buildings and Property held over by Officers or Recipients of Charities.

XIV. Every School Master and Mistress appointed after the Date of this Act shall be removable from his or her Office, after reasonable Notice

Masters and Mistresses of Endowed Schools to be removable.

Notice by the Trustees or Persons acting in the Administration of the Charity, as they shall think expedient in the Interests thereof, so nevertheless that the Removal by virtue only of this Provision of a Master or Mistress who would be otherwise irremovable from his or her Office shall be determined on by all or a Majority of such Trustees or Administrators assembled at a Meeting convened by due Notice, delivered or sent by the Post to all such Trustees or Administrators who shall have any known Place of Residence in *Great Britain* or *Ireland*, by the Space of not less than Twenty-eight Days previously, for the special Purpose of considering and determining on the Question of such Removal, and of which intended Meeting a Notice shall also be delivered or sent in like Manner to the Master or Mistress by the same previous Space, and so also that the Resolution of the Meeting for the Removal of any such last-mentioned Master or Mistress shall be forthwith certified under the Hands of the Trustees or Persons acting as aforesaid who shall have concurred therein, or under the Hand of the Chairman of the Meeting, and shall within Seven Days next thereafter be transmitted to the said Board for their Approval, and the same shall not take effect unless or until the same shall have been approved by the said Board, who may also, if they so think fit, fix the Time or any reasonable Conditions at or under which the same shall come into operation; if also there shall be any Special Visitor of the Charity who shall be resident in *Great Britain* or *Ireland*, and free from Incapacity, no Removal of any such last-mentioned Master or Mistress shall be made under the Authority only of the preceding Provision without the written Consent of such Visitor: Provided always, that this Section shall not apply to any endowed Grammar School.

Sect. 21. of 16 & 17 Vict. c. 137. extended.

XV. The Power vested in the said Board by the Twenty-first Section of "The Charitable Trusts Act, 1853," of authorizing the Application of Monies belonging to any Charity, or to be raised on the Security of the Properties thereof, to the Improvement of such Properties, shall extend to authorize the Application of any like Monies to any other Purpose or Object which the Board shall consider to be beneficial to the Charity or the Estate or Objects thereof, and which shall not be inconsistent with the Trusts or Intentions of the Foundation.

A Majority of Trustees to have legal Power of dealing with the Charity Estates.

XVI. A Majority of Two Thirds of the Trustees of any Charity assembled at a Meeting of their Body duly constituted, and having Power to determine on any Sale, Exchange, Partition, Mortgage, Lease, or other Disposition of any Property of the Charity, shall also have a legal Power, on behalf of themselves and their Co-trustees, and also of the Official Trustee of Charity Lands, where his Concurrence would be otherwise required, to do, enter into, and execute all such Acts, Deeds, Contracts, and Assurances as shall be requisite for carrying any such Sale, Exchange, Partition, Mortgage, Lease, or Disposition into

into legal Effect, and all such Acts, Deeds, Contracts, or Assurances shall have the same legal Effect as if the same were respectively done, entered into, or executed by all the acting Trustees for the Time being, and by the said Official Trustee.

Official Trustee not to be accountable for Loss unless occasioned by his own Neglect.

XVII. No Official Trustee of Charitable Funds, appointed under or in pursuance of the first or secondly recited Act, shall be chargeable with or accountable for any Loss or Misapplication of the said Charitable Funds, or the Dividends, Interest, or Income thereof, unless the same shall have been occasioned by or through his own wilful Neglect or Default.

Accounts to be laid before Parliament.

XVIII. The Official Trustees of Charitable Funds shall lay before Parliament annually, on or before the Fourteenth Day of *February*, or as soon as practicable after Parliament shall be sitting, an Account of the total Amount of the Capital Stock, Shares, and Securities transferred to them in the Year ending the Thirty-first Day of *December* preceding, and of the total Amount of Monies, other than Dividends or Interest, paid to them or to their Account during the same Period, and of the Investment thereof, and of the Capital Stock, Shares, and Securities sold or re-transferred by them during the same Period, and of the aggregate Amount of the Capital Stock, Shares, Funds, and Securities, and the Balance of Cash, held by them on such preceding Thirty-first Day of *December*.

Power to require the Transmission of Documents belonging to Charities.

XIX. The Board may require any Person having the Custody or Control of any Deed or Document in which any Charity or Charities shall be solely interested to transmit the same to the Office of the said Commissioners for Examination; and where such Deed or Document shall not be held by any Person entitled as a Trustee or otherwise to the Custody thereof, the Board may either retain the same, for the Security thereof, in the Repository provided by them under the Sixty-third Section of "The Charitable Trusts Act, 1853," or, as they may think most advantageous to the Charity, may thereupon, or at any Time thereafter, return or issue the same to the Trustees or Persons acting in the Administration of the Charity, for the Purposes thereof.

Orders to be enforceable as under former Acts.

XX. All Orders made by the said Board under the Provisions of this Act shall be enforceable by the same Means, and shall be subject to the same Provisions, as are applicable under the Charitable Trusts Act, 1853, and the Charitable Trusts Amendment Act, 1855, respectively, to any Orders of the said Board made thereunder.

Board to make Minutes.

XXI. The said Board shall from Time to Time make such Minutes as shall be required relative to the Institution and Conduct of their Proceedings under the Jurisdiction created by this Act.

XXII. There

Salary of the Secretary.

XXII. There shall be paid to the Secretary for the Time being of the said Commissioners, in consideration of the Increase and Extent of his official Duties, such a Salary, not exceeding the annual Sum of Eight hundred Pounds, in lieu of the Salary payable to him under the firstly cited Act, as shall from Time to Time be allowed by the Commissioners of Her Majesty's Treasury.

Indemnity to the Bank of England and others.

XXIII. Every Order made under this Act under which any Stock, Shares, Securities, or Monies shall be transferred or paid to or deposited with the Trustees of any Charity, or the Official Trustees of Charitable Funds, shall afford a complete Indemnity to the Governor and Company of the Bank of *England*, and to all Companies and Persons by whom respectively any such Transfer, Payment, or Deposit shall be permitted or made, for permitting or making the same, and the said Governor and Company and other Companies and Persons shall be required to give effect or to conform to such Order, and it shall not be necessary for them to inquire concerning the Propriety of the same Order, or the Jurisdiction under which the same shall purport to be made.

Commissioners, &c. exempted from serving on Juries.

XXIV. Every Commissioner, Secretary, and Inspector acting under or employed for the Purposes of the said Acts shall be exempt from serving on Juries while he shall be so acting or employed.

Short Title.

XXV. This Act may be cited for all Purposes by the Short Title of "The Charitable Trusts Act, 1860."

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1860.

ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

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CAP. CXXXVII.

An Act to make further Provision with respect to Monies received from Savings Banks and Friendly Societies. [28th *August* 1860.]

WHEREAS by the Acts now in force relating to Savings Banks and Friendly Societies various Provisions are enacted for regulating the Mode of investing the Monies received and to be received by the Commissioners for the Reduction of the National Debt from Savings Banks and Friendly Societies: And whereas it is expedient to make further Provision for the investing of such Monies; Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say,

Powers now vested in Commissioners to extend to Parliamentary Securities, &c.

I. The Powers now vested in the Commissioners for the Reduction of the National Debt in respect of all Monies remitted to them on account of Savings Banks and Friendly Societies shall extend to Parliamentary Securities, of whatsoever Kind, created or issued, or which may hereafter be created or issued, under the Authority of any Act or Acts of Parliament, for the Interest on which Provision

is made by Parliament, and to any Stock or Debentures or other Securities expressly guaranteed by Authority of Parliament.

Annual Report to be laid before Parliament.

II. The Commissioners for the Reduction of the National Debt shall at the End of every Year report to the Commissioners of Her Majesty's Treasury, setting forth in Detail the whole of the several Transactions which shall have taken place during the Course of the Year in the Investment of all Monies coming into their Hands for Savings Banks and Friendly Societies, and of all the Variations, if any, which may have taken place during such Year in the Securities held by the said Commissioners for those Institutions, and Copies of such Reports shall be laid before both Houses of Parliament not later than the Fifteenth Day of *February*, if Parliament shall be then sitting, and if not then sitting then within Ten Days after the next re-assembling of Parliament.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
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ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

****

CAP. CXXXVIII.

An Act to continue and amend the Peace Preservation (*Ireland*) Act (1856).

[28th *August* 1860.]

WHEREAS by the Act of the Twenty-first and Twenty-second Years of Her Majesty, Chapter Twenty-eight, "The Peace Preservation (*Ireland*) Act, 1856," was continued until the First Day of *July* in the present Year, and to the End of the present Session of Parliament; and it is expedient that the said last-mentioned Act should be amended, and further continued for a limited Time: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Printed Copies of Proclamations, &c. to be posted within the District.

I. The printed Copies of every Proclamation issued under the Provisions of the said last-mentioned Act, and a printed Abstract of such Provisions, shall be posted on or near to the Doors of all Places of Public Worship and of every Police Station and Barrack within the District named in such Proclamation by some One or more of the Constables or Sub-Constables who at the Time of posting the same shall be stationed within such District; and as

soon

soon as may be after such Constable or Sub-Constable shall have posted such printed Copies and Abstracts he shall verify such posting by a solemn Declaration, to be made before a Justice of the Peace for the County within which such District or the greater Part thereof is situated, in the Form specified in the Schedule to this Act annexed, which solemn Declaration shall be by such Justice annexed to such printed Copy and Abstract; and such printed Copy and Abstract and solemn Declaration shall be deposited by such Constable or Sub-Constable with the Clerk of the Peace for the County, County of a City, or Place within which such District or the greater Part thereof is situated, and shall thereupon be signed and dated by such Clerk of the Peace, and preserved by him amongst the Records of such County, County of a City, or Place, and the said Declaration, when produced from the Custody of such Clerk of the Peace, shall be *primâ facie* Evidence that the said Proclamation was duly posted in all Proceedings and for all Purposes whatsoever.

19 & 20 Vict. c. 36. further continued as amended by this Act.

II. The said last-mentioned Act, as the same is amended by this Act, shall continue in force until the First Day of *July* One thousand eight hundred and sixty-two.

SCHE-

SCHEDULE.

Form of solemn Declaration.

I, *A.B.* [Constable *or* Sub-Constable] do solemnly and sincerely declare, that on the Day [*or* several Days] following, videlicet, [*here insert the Dates,*] I posted, in or near to the Doors of all Places of Public Worship, and of every Police Station and Barrack, within that Part of the District named or referred to in the within Proclamation known and called by the Name of [*here insert Name of Barony, Half Barony, Townland, &c.*], true Copies of the within Proclamation and of the within Abstract of the Provisions of "The Peace Preservation (Ireland) Act, 1856;" and I make this solemn Declaration conscientiously believing the same to be true, and by virtue of the Provisions of an Act passed in the Sixth Year of the Reign of His Majesty King William the Fourth, Chapter Sixty-two, for the Abolition of unnecessary Oaths.

Signed [*A.B.*]

Made and subscribed before me this
Day of in the Year One thousand eight hundred and

Signed [*C.D.*]

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1860.

ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

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Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Commencement of Act, and Repeal of 9 & 10 W. 3. c. 7., 5 G. 2. c. 12. (I.), and 12 G. 3. c. 61.

I. This Act shall (except where herein otherwise expressly provided) take effect from and after the Thirty-first Day of *August* One thousand eight hundred and sixty-one, and from and after that Day the said Acts of the Ninth and Tenth Years of King *William* the Third, the Fifth Year of King *George* the Second, and the Twelfth Year of King *George* the Third shall be repealed, except as to any Offence theretofore committed against the same, and any Penalty theretofore incurred, which Offence shall be dealt with and punished and such Penalty recovered as if this Act had not been passed.

Regulations as to making and keeping of Gunpowder.

II. The following Regulations shall be observed with regard to the Manufacture and keeping of Gunpowder; (that is to say,)

No such Manufacture shall be carried on except in Mills and other Places lawfully used for such Manufacture at the Time of the Commencement of this Act, or in Places licensed for that Purpose as herein-after mentioned:

The Quantity of Gunpowder or Materials to be made into Gunpowder to be at One Time under any single Pair of Mill Stones, or Rollers, or Runners, shall not exceed Fifty Pounds as respects Sporting and Government Powder, and Sixty Pounds as respects all inferior Powders, and every Incorporating Mill or Group of Incorporating Mills shall be provided with a Charge House for the Store of Mill Charges properly constructed of Stone or Brick, and situate at a safe and suitable Distance from each Incorporating Mill or Group of Incorporating Mills:

The Quantity of Gunpowder to be subjected to Pressure at One Time in any Presshouse shall not exceed Ten Hundredweight:

The Quantity of Gunpowder to be corned or granulated at One Time in any Corning or Granulating House shall not exceed Twelve Hundredweight:

The Quantity of Gunpowder to be dried at One Time in One Stove or Place used for the drying of Gunpowder shall not exceed Fifty Hundredweight:

The respective Quantities to be at any One Time in any Presshouse, or Corning or Granulating House, shall not exceed Twice the respective Quantities hereby allowed to be subjected to Pressure, and to be corned or granulated at One Time; and the Quantity to be at any One Time in any Drying House or Dusting House shall not be more than is necessary for the immediate Supply and Work of such House; and for the Purposes of this Provision any Building used with any such Presshouse, Corning or

or Granulating House, Drying House, or Dusting House, shall be deemed Part thereof, save only Magazines constructed with Stone or Brick, and situate Forty Yards at least from every such Presshouse or other House as aforesaid (herein-after distinguished as Expense Magazines), and save only the Stove in which the Powder which has been dried may be cooling:

Every Person keeping or using any Mill for the making of Gunpowder shall have (in addition to the Expense Magazines) a good and sufficient Magazine or Magazines at least One hundred and forty Yards distant from the Mill or Mills and every Presshouse and other House or Place used for or in the making of Gunpowder, for the receiving and safely keeping of all Gunpowder made at such Mill or Mills, as soon as such Gunpowder can from Time to Time be conveniently removed to such Magazine or Magazines, such Magazine or Magazines to be well and substantially built with Brick or Stone, and situate in such Place as may have been lawfully used or duly licensed by Justices before the Commencement of this Act or may be licensed as herein-after mentioned, which Magazine or Magazines is and are herein-after distinguished as a Store Magazine or Magazines:

Every Maker of Gunpowder shall with all due Diligence cause all finished Gunpowder made at his Mill or Mills to be removed accordingly from such Mill or Mills and the other Places used by him for or in the Manufacture of Gunpowder, or any Magazines or Storehouses used therewith, to the said Store Magazine or Magazines required by this Enactment to be distant One hundred and forty Yards as aforesaid:

Every Maker of Gunpowder shall cause to be erected or provided good and sufficient Thunder Rods or Lightning Conductors in connexion with every Store Magazine where Gunpowder is kept by him, for the Protection of such Magazine from the Effects of Lightning.

Power to Secretary of State, on Application, and sufficient Cause shown, to sanction the Continuance or Construction of any Magazine within the prescribed Distance.

III. Provided always, That at any Time after the passing of this Act it shall be competent to the Owner or Lessee or Occupier of any Expense Magazine or any Store Magazine which shall have been erected before the Commencement of this Act, and shall be situate within the prescribed Distance of Forty Yards or One hundred and forty Yards, and also to any Owner, Lessee, or Occupier of any Mill or other Place lawfully used for the Manufacture of Gunpowder before the Commencement of this Act, who is desirous to construct any Expense Magazine or Store Magazine in or in connexion with such Mill or other Place within such prescribed Distance, to present a Memorial to One of Her Majesty's Principal Secretaries of State, setting forth that it is not necessary or required for

for the Public Safety, or that from the Nature of the Ground or other sufficient Causes it is not practicable or expedient, to remove such Magazine to the prescribed Distance, or to erect such intended Magazine at or beyond such prescribed Distance, and thereupon the said Secretary of State shall refer the Matter of such Memorial to such Person as he may think fit, to report thereon, and such Person shall as soon as practicable thereafter examine the Magazine or the Site of the intended Magazine to which the Memorial refers, and the surrounding Ground, and shall make a Report in Writing thereon to the said Secretary of State, who shall transmit a Copy thereof to the Applicant; and if on Consideration of the whole Matter, and any Observations and Explanations thereupon by the Applicant, and on such further Information, if any, as the said Secretary of State may require, he shall be satisfied that it is not necessary for the Public Safety, or is impracticable or inexpedient, to remove such Magazine to or beyond the prescribed Distance, or to erect the intended Magazine at or beyond the prescribed Distance, and shall approve the Site proposed for the same, he shall certify the same in Writing under his Hand, and deliver such Certificate to the said Owner, Lessee, or Occupier, and thereupon the Magazine to which such Certificate applies, or a Magazine erected on the Site so approved, (as the Case may be,) shall for all Purposes be deemed to be at the prescribed Distance; and if the said Secretary of State shall not be satisfied that any existing Magazine to which the Memorial refers ought to remain, he shall by Writing under his Hand order the said Magazine to be removed within a Period to be therein limited, and such Order shall be notified to the Applicant or to the Occupier of the Magazine to which the Order relates: Provided also, that the Use and the Continuance of any Magazine as to which such Application is made to the said Secretary of State shall be deemed to be lawful during the Pendency of such Application, and until the Expiration of the Time mentioned in the Order for its Removal.

Penalties for making and keeping Gunpowder contrary to this Act.

IV. All Gunpowder made in any Place where under this Act it is not lawful to make Gunpowder, and all Gunpowder in any Mill, Presshouse, Corning House, Drying House, Dusting House, or other Place, exceeding the Quantity which for the Time being may lawfully be therein, shall be forfeited; and every Person making or causing to be made any Gunpowder contrary to this Act, or keeping or causing to be kept in any such Mill or Place any Gunpowder contrary to the Provisions herein-before contained, shall for so doing, in addition to such Forfeiture as aforesaid, forfeit for every such Offence any Sum not exceeding Two Shillings for every Pound of Gunpowder so forfeited:

Every

Every Person making Gunpowder without having such Store Magazine or Magazines One hundred and forty Yards distant from any Mill and every other Place used by him for or in the Manufacture of Gunpowder, shall forfeit any Sum not exceeding Twenty-five Pounds for every Month during which such Person makes Gunpowder without having such Magazine or Magazines:

And every Person making Gunpowder who wilfully neglects or delays removing with due Diligence the finished Gunpowder made at his Mill or Mills and the other Places used by him for or in the Manufacture of Gunpowder from thence or from the Magazines or Storehouses used therewith to the Store Magazine or Magazines distant as aforesaid, shall forfeit for every Day during which such Offence continues any Sum not exceeding Five Pounds.

No Charcoal to be kept within Twenty Yards of any Mill, &c.

V. No Maker of Gunpowder shall keep or permit to be kept any Charcoal within Twenty Yards of any Mill or other Engine for making Gunpowder, or of any Presshouse, or Drying, Corning, or Dusting House, or other Place used in or for the making of Gunpowder, or any Magazine or Storehouse thereto belonging; and any Maker of Gunpowder who acts contrary to this Enactment shall forfeit any Sum not exceeding Five Pounds, or, where such Charcoal is so kept for a longer Period than a Week, any Sum not exceeding Five Pounds for every Week during which such Charcoal is so kept.

Regulations as to the making of loaded Percussion Caps and the making and keeping of Ammunition, &c.

VI. The following Regulations shall be observed with regard to the Manufacture of loaded Percussion Caps, and the Manufacture and keeping of Ammunition, Fireworks, Fulminating Mercury, or any other Preparation or Composition of an explosive Nature; (that is to say,)

No such Manufacture shall be carried on without such Licence for that Purpose as herein-after mentioned, or within the respective Distances herein-after mentioned, and set opposite to the Descriptions of the respective Articles; (that is to say,)

Percussion Caps - -	50 Yards,
Ammunition - - -	100 Yards,
Fireworks - - -	50 Yards,
Fulminating Mercury or other Preparation or Composition of equally explosive Power - -	100 Yards,

from any Dwelling House or any Building in which Persons not connected with the same Manufacture are employed:

No such Articles as aforesaid, except Percussion Caps, exceeding the respective Quantities herein-after mentioned and set opposite to the Descriptions of the respective Articles, (that is to say,)

Ammunition containing Five Pounds of Gunpowder,

Fireworks containing Ten Pounds of explosive Compound,

Fulminating Mercury or other Preparation or Composition of equally explosive Power - -	1 oz. dry, or 8 oz. mixed with 25 *per Cent.* of Water,

shall be kept in any Place not licensed for that Purpose as herein-after mentioned, and no such Articles shall be kept in any Place so licensed in excess of the respective Quantities specified in the Licence in that Behalf:

The Operation of mixing the Composition for Percussion Caps shall be performed in a Building situate at a Distance not less than Twenty Yards from any other Workshop, and no greater Quantity than Five Pounds of Cap Composition shall at any One Time be in the Building where the Operation of mixing is performed:

No Fulminating Mercury, except that which is being used in the actual Preparation of the Cap Composition, shall be kept in any Building where the Operation of preparing such Composition is performed, without being mixed with at least Twenty *per Cent.* of Water:

The Operation of loading Percussion Caps shall be performed in a Building where no other explosive Material than that employed in loading Percussion Caps is used or kept, and no greater Quantity than Twenty-four Ounces of Cap Composition shall at any One Time be in the Building where the Operation of loading is performed:

The Operation of filling or charging Cartridges shall be performed in a Building situate at a Distance not less than Twenty Yards from the other Workshops connected with the Manufacture; and no greater Quantity than Fifty Pounds of Gunpowder, either loose or made up into Cartridges, or what is equivalent, as regards explosive Power, to Fifty Pounds of Gunpowder, (if other explosive Materials be used,) shall at any One Time be in any Workshop connected with the Manufacture:

The Operation of charging or filling Fireworks with explosive Materials shall be performed in a Building situate at a Distance not less than Twenty Yards from the other Workshops connected with the Manufacture; and no greater Quantity of the ordinary explosive Composition used in the Manufacture of Fireworks than Thirty Pounds, whether loose or made up, or what is equivalent, as regards explosive Power, to Thirty Pounds of the ordinary Gunpowder, shall at any One Time be in any Building where the Operation of filling or charging is performed:

The Manufacture of such Fireworks as contain Detonating Composition, or Composition which is more easily ignited by Percussion or Friction than ordinary Gunpowder, shall be conducted in a Building or Buildings situate at a Distance not less than Thirty Yards from the other Workshops, and no greater Quantity than Ten

Ten Pounds of such Composition shall at any One Time be in any Building:

Every Person keeping or using any Factory for the making of Ammunition or Fireworks shall have, at a Distance of not less than Fifty Yards from any Workshop connected with the Manufacture, a Magazine or Magazines, built with Brick or Stone, for the receiving and safely keeping the Gunpowder or other explosive Materials used in the Manufacture, and the Cartridges or Fireworks (as the Case may be) made at such Factory.

Penalties for making loaded Percussion Caps, or making or keeping Ammunition, &c., contrary to this Act.

VII. All loaded Percussion Caps made, and all Ammunition, Fireworks, Fulminating Mercury, or other explosive Preparations or Compositions made or kept, in any Place where under this Act it is not lawful to make Percussion Caps, or to make or (as the Case may be) keep Ammunition, Fireworks, Fulminating Mercury, or other explosive Preparations or Compositions, and any Quantity of Ammunition, Fireworks, Fulminating Mercury, or other explosive Preparation or Composition kept in any Place where under this Act it may be lawful to keep such Ammunition, Fireworks, Fulminating Mercury, or other explosive Preparation or Composition, exceeding the Quantity which may be lawfully kept there, shall be forfeited; and every Person making or causing to be made Percussion Caps, or making or keeping or causing to be made or kept Ammunition, Fireworks, Fulminating Mercury, or other explosive Preparation or Composition, contrary to this Act, shall for so doing, in addition to such Forfeiture as aforesaid, forfeit for every such Offence any Sum not exceeding Ten Pounds.

No Person to sell Fireworks without a Licence.

VIII. It shall not be lawful for any Person to sell or offer or expose to Sale any Firework without such Licence for that Purpose as hereinafter mentioned, and no such Firework shall be sold to any Person apparently under Sixteen Years of Age, and any Person offending against this Enactment shall for every Offence forfeit any Sum not exceeding Five Pounds.

Penalty for throwing Fireworks in Thoroughfares.

IX. If any Person throw, cast, or fire, or aid or assist in throwing, casting, or firing, any Squib, Serpent, Rocket, or other Firework in or into any Thoroughfare or public Place, he shall for every such Offence forfeit any Sum not exceeding Five Pounds.

Justices to license Places for making and keeping Gunpowder.

X. It shall be lawful for the Justices of the Peace for each County or other Division, at their General Quarter Sessions, upon Application made to them by any Person, from Time to Time to license the erecting or having new Mills for making Gunpowder, with proper Presshouses and other Houses and Places to be used for or in the

the making of Gunpowder, and Magazines near thereto, and also the erecting or having Magazines for keeping unlimited Quantities of Gunpowder in such respective Places, not being within *London* or *Westminster*, or any other Limits herein-after described, as may appear to them proper.

Justices to license Places for making loaded Percussion Caps and making and keeping Ammunition, &c.

XI. It shall be lawful for the Justices of the Peace for each County or other Division, at their General Quarter Sessions, or for the Council of any Borough, upon Application made to them by any Person, from Time to Time to license Places for the making of loaded Percussion Caps, and for the making and keeping respectively of Ammunition, Fireworks, Fulminating Mercury, or other explosive Preparations or Compositions, and to determine the Quantities of such Articles respectively to be kept in any Place so licensed, and to grant Licences to Persons to sell Fireworks.

Notice of Intention to apply for Licence.

XII. Provided always, That every Person making any Application for any such Licence as aforesaid shall give Notice in Writing of the Intention to make the same, as also of the Place or Places proposed for the Purposes aforesaid respectively, Fourteen Days before making it, as herein-after mentioned; (that is to say,) such Notice shall be given, where Application is made in *England*, to an Overseer or Churchwarden of the Parish or Place in which it is proposed to erect or make any such new Mill, with such Houses and Places as aforesaid, or any such Magazine, or to make or use any Building or Place for any of the Purposes aforesaid, or of an adjoining Parish, if the Place be extra-parochial, and have no Overseer; and where the Application is made in *Scotland*, to the Schoolmaster of the Parish, or if there be no such Schoolmaster, to the Session Clerk; and where the Application is made in *Ireland*, to the Clerk of the Union within which the Parish is included; and such Applicant shall also in every such Case cause the like Notice to be affixed on the Outside of the Door or of the Wall near the Door of every Church and Chapel in such Parish or Place, (including Places of Public Worship not belonging to the Established Church,) previously to the Commencement of Divine Service on a *Sunday* Ten Days at least before the making of such Application.

Justices may make Licences conditional on Precautions prescribed by them for preventing Danger

XIII. The Justices licensing the erecting or having of any new Mills and other Places to be used for or in making Gunpowder, or any Magazine near thereto, or any Magazine for keeping unlimited Quantities of Gunpowder, and the Justices or Council licensing any Place for the making of loaded Percussion Caps, or for the making or keeping of Ammunition, Fireworks, Fulminating Mercury, or any other explosive Preparation or Composition, may, if they see fit, grant their

their Licence conditionally upon such precautionary Measures being taken and maintained with regard to the structural Arrangements of every such Mill, Magazine, or Place, the Erection of Mounds or Screens to separate the same from any inhabited House, and otherwise, as they may deem proper for diminishing the Risk of Danger to Life by Explosions.

being observed.

XIV. If, on any Application for the licensing of any new Mill or other Place to be used for or in making Gunpowder, or any Magazine near thereto, or any Magazine for keeping unlimited Quantities of Gunpowder, the Justices shall refuse the Licence, or grant the same only on Conditions with which the Applicant shall be dissatisfied, they shall, if so required by the Applicant, certify such Refusal or Conditions, and the Grounds thereof, in Writing, to be signed by the Chairman presiding at the Hearing, and shall deliver the Certificate to the Applicant, who may thereupon, within Ten Days from the Time of the Delivery thereof, transmit the same to One of Her Majesty's Principal Secretaries of State, together with a Memorial praying that, notwithstanding such Refusal, the Licence may be granted, or that such Conditions may not be imposed, or may be altered or modified in such Manner and to such Extent as shall be set forth in such Memorial; and it shall be lawful for the said Secretary of State, if he shall so think fit, on consideration of such Memorial and Certificate, and if he shall think it necessary or desirable, after due Inquiry from and a Report by such Person as he may appoint for that Purpose, to grant the Licence prayed for, either absolutely or with such Conditions as he shall think fit, or to alter or modify the Conditions imposed by the Justices; and the Licence so granted, or altered and modified, as the Case may be, certified under the Hand of the said Secretary of State, shall be to all Intents as valid and effectual as if made and granted by the said Justices.

In case of Refusal of Licence, the Applicant may memorialize Secretary of State, who shall have Power, notwithstanding such Refusal, to grant the Licence.

XV. It shall be lawful for the Owner or Occupier of any Mill, Magazine, or Place in which Gunpowder, Ammunition, Fireworks, Fulminating Mercury, or any other explosive Preparation or Composition is manufactured or kept, or loaded Percussion Caps are manufactured, from Time to Time to make such Rules as he may think fit for the Purpose of regulating the Conduct of his Servants and Workmen employed in such Mill, Magazine, or Place, so as to prevent as far as may be Accidents by Explosion, and from Time to Time to alter or rescind any such Rules, and make others, provided such Rules be not repugnant to the Laws of that Part of the United Kingdom where the same are to have Effect, or to the Provisions of this Act; and such Rules shall be signed by such Owner or Occupier, and a Copy thereof shall be given to every Servant or Workman employed in such

Owners of Mills may make Rules for their Servants and Workmen for preventing Accidents.

such Mill, Magazine, or Place, who may be affected thereby, and shall be affixed in the Mill, Magazine, or Place to which the same relate.

Penalty for doing any Act in any Mill, &c. tending to cause Explosion.

XVI. Any Servant or Workman of any Owner or Occupier of any Mill, Magazine, or Place in which Gunpowder, Ammunition, Fireworks, Fulminating Mercury, or any other explosive Preparation or Composition is manufactured or kept, or loaded Percussion Caps are manufactured, who violates the Rules made as aforesaid, and any such Servant or Workman, or any other Person, who does or attempts to do any Act in, to, or about such Mill, Magazine, or Place tending to cause Explosion, or who brings into such Mill, Magazine, or Place any Thing tending to cause Explosion, shall for every such Offence be subject to a Penalty not exceeding Five Pounds, on summary Conviction before any Justice of the Peace, or in *Scotland* before any Sheriff, Justice of the Peace, or Magistrate; and any such Servant or Workman as aforesaid, or other Person so acting, may be apprehended without a Warrant by any Peace Officer or other Officer of the Law, or the Owner or Occupier of such Mill, Magazine, or Place, or his Servant, or by any other Person authorized by such Owner or Occupier, or his Agent or Manager, and removed from the Mill or other Premises, and may be conveyed with all convenient Despatch before some Justice, or in *Scotland* before any Sheriff, Justice, or Magistrate, and such Justice, Sheriff, or Magistrate shall proceed with all convenient Despatch to the hearing and determining of the Complaint against the Offender.

Secretary of State may authorize Persons to inspect Mills, &c.

XVII. It shall be lawful for One of Her Majesty's Principal Secretaries of State to authorize, from Time to Time, such Person as he may see fit to inspect and examine any Mill, Magazine, or Place in which Gunpowder, Ammunition, Fireworks, Fulminating Mercury, or any other explosive Preparation or Composition is manufactured or kept, or supposed to be manufactured or kept, or loaded Percussion Caps are made or supposed so to be, in order to see whether or not the Regulations of this Act concerning the Manufacture and keeping of Gunpowder, and such other Matters as aforesaid, and concerning the making of loaded Percussion Caps, are complied with, and to report to such Secretary of State thereon; and every Person so authorized shall have Authority to enter, inspect, and examine any such Mill, Magazine, or Place, at all reasonable Times in the Daytime, without any previous Notice for that Purpose, and the Owner or Occupier of every such Mill, Magazine, or Place is hereby required to furnish the Means necessary for such Entry, Inspection, and Examination:

Any Owner or Occupier of any Mill, Magazine, or Place which any such Person authorized by the Secretary of State is empowered

to

to enter, inspect, and examine, who refuses or neglects to furnish to such Person the Means necessary for making his Entry, Inspection, and Examination, and every Person who wilfully obstructs any such Person in the Execution of his Powers, shall for every such Offence forfeit Five Pounds.

Limitation of Quantities of Gunpowder to be kept by Persons other than Manufacturers.

XVIII. No Person shall have or keep at One Time, being a Dealer in Gunpowder, or Manufacturer of Cartridges, Fireworks, or Rockets, more than Two hundred Pounds of Gunpowder, and, not being such Dealer or Manufacturer, more than Fifty Pounds of Gunpowder, in any House, Mill, Magazine, Storehouse, Warehouse, Shop, Cellar, Yard, Wharf, or other Building or Place, (and for the Purposes of this Enactment all Buildings and Places adjoining to each other, and occupied together, shall be deemed One House or Place,) or on any River or other Water, (except in Carriages loading or unloading or passing on the Land, or in Ships, Boats, or Vessels, loading or unloading, or passing on any River or other Water, or detained there by the Tide or bad Weather,) within the following Limits, being the Limits within which Gunpowder Mills or Magazines may not be licensed under this Act; (that is to say,) within the City of *London* or *Westminster*, or within Three Miles of either of them; or within any Borough or Market Town, or One Mile of the same; or within Two Miles of any Palace or House of Residence of Her Majesty, Her Heirs or Successors; or within Two Miles of any Gunpowder Magazine belonging to the Crown; or within Half a Mile of any Parish Church; or in any Place beyond the Limits aforesaid, except in Mills or other Places which at the Commencement of this Act shall be lawfully used for the making of Gunpowder, and the Magazines, Storehouses, and Offices near and belonging thereto, and in the Magazines in which greater or unlimited Quantities of Gunpowder may be lawfully kept at the Commencement of this Act, and in the Places where it shall be lawful to make Gunpowder, or to keep greater or unlimited Quantities of Gunpowder, under the Provisions of this Act; and all Gunpowder kept beyond the Quantity hereby allowed, and the Barrels or Receptacles in which such Gunpowder shall be kept, shall be forfeited, and any Person keeping the same shall for every such Offence forfeit not exceeding Two Shillings for every Pound of Gunpowder kept beyond the allowed Quantity.

Gunpowder may be kept for Mines, under certain Conditions.

XIX. It shall be lawful for any Person to keep, exclusively for the Use of any Mine, Quarry, or Colliery, any Quantity of Gunpowder not exceeding Three hundred Pounds Weight at any One Time in any Magazine or Warehouse, so as such Magazine or Warehouse be within Two hundred Yards of such Mine, Quarry, or Colliery, and (unless erected

erected and used for this Purpose before the passing of this Act) be not within Two hundred Yards from any inhabited House, without the Consent in Writing of the Occupier of such House; and it shall be also lawful for any Person to keep, exclusively for the Use of One or more Mine, Quarry, or Colliery, Mines, Quarries, or Collieries, any greater Quantity of Gunpowder not exceeding Four thousand Pounds at any One Time in any Magazine, so as such Magazine be well and substantially built of Brick or Stone, and, save where continued or erected under a Certificate of the Secretary of State as herein-after mentioned, be within Two hundred Yards of the respective Mine, Quarry, or Colliery, or One of the Mines, Quarries, or Collieries, for the Use of which such Gunpowder is kept, and not within any of the Limits herein-before particularly described, and not within Two hundred Yards from any inhabited House, without the Consent in Writing of the Occupier of such House: Provided always, that the Owners, Lessees, or Occupiers of any Mine, Quarry, or Colliery, having for the Use thereof a Magazine not situated as prescribed by this Enactment, or being desirous of erecting a Magazine not so situated, may make Application by Memorial to One of Her Majesty's Principal Secretaries of State, in the like Manner and for the like Causes as herein-before provided in relation to the Continuance or Erection of an Expense Magazine or Store Magazine within the prescribed Distance, and the Secretary of State may, by his Certificate, authorize the Continuance or Erection of the Magazine to which the Application relates, either absolutely or conditionally on such precautionary Measures being taken and maintained as he may deem proper.

Not more than Thirty Barrels by Land, and Five hundred by Water, to be conveyed at One Time.

XX. No Person shall have or convey at One Time more than Thirty Barrels of Gunpowder in any Waggon, Cart, or other Carriage by Land, except in a Van specially constructed for that Purpose, enclosed on every Side with Wood, and then not more than Forty Barrels, and unless such Carriage form Part of a Railway Train, and then not more than One hundred Barrels in any Carriage forming Part of such Train; and no Person shall have or convey at One Time, within the United Kingdom, more than Five hundred Barrels of Gunpowder in any Barge, Boat, or other Vessel by Water, except in Vessels with Gunpowder imported from or to be exported to any Place beyond the Sea, or going Coastwise; and all Gunpowder conveyed on Land or Water (except in such Vessels for Importation or Exportation of Gunpowder, or going Coastwise,) shall be in Barrels, close joined and hooped, or in Copper, Zinc, or Tin Cases or Canisters, enclosed in Wooden Boxes or Barrels, without any Iron about such Boxes or Barrels, and so secured that no Part of the Gunpowder be scattered in the Passage; and

and each Barrel shall contain no more than One hundred Pounds of Gunpowder; and every Carriage in which Gunpowder shall be conveyed by Land shall have a complete Covering of Wood, Painted Cloth, Tarpaulin, or Wadmill Tilts, over all the Gunpowder therein contained; and no Gunpowder shall be conveyed by Water in any Barge, Boat, or other Vessel not having a close Deck (except in Vessels with Gunpowder imported or to be exported in manner aforesaid, or going Coastwise); and as soon as any Gunpowder is put on board such Vessel, all such Gunpowder shall be covered with raw Hides or Tarpaulins; and where any Gunpowder conveyed by Land or Water is contained in any Receptacles hereby authorized other than Barrels, no greater Quantity shall be so conveyed than shall be equivalent to what might lawfully have been so conveyed if the same had been contained in Barrels:

And all Gunpowder which shall be carried or conveyed (except in such Vessels with Gunpowder for Importation or Exportation as aforesaid, or going Coastwise,) within any Part of the United Kingdom in greater Quantity or in other Manner than is herein-before prescribed, and the Barrels or other Receptacles in which such Gunpowder shall be, may be seized by any Person, who shall have the same Authority to remove such Gunpowder and Barrels, or Receptacles, and to use for that Purpose, during the Space of Twenty-four Hours after Seizure, the Carriage or Vessel in which such Gunpowder shall be seized, and the Tackling, Beasts, and Accoutrements belonging thereto, on the Terms of paying a Recompence for the Use thereof, and to detain such Gunpowder and Barrels or Receptacles, as is herein-after given to Persons searching under a Warrant of a Justice of the Peace, Sheriff, or Magistrate, and such Seizure shall be for the Use of the Person making the Seizure, on Conviction of the Offender or Offenders.

No Gunpowder to be loaded until that condemned be unloaded.

XXI. When any Barge, Boat, or Vessel, having stale, condemned, or returned Gunpowder on board, arrives at the Quay, Wharf, or other Place where the same is intended to be landed, no Person shall begin to unload, or shall bring down to such Wharf, Quay, or other Place with Intent to load, in such Vessel, any other Gunpowder, until the whole or Part of such stale, condemned, or returned Gunpowder be first unloaded or carried away from such Wharf, Quay, or other Place of Landing; and after such unloading and carrying away of Part of such Gunpowder no Person shall begin to load or shall so bring down with Intent to load any greater Quantity of other Gunpowder than the Part unloaded and carried away, on pain of forfeiting all Gunpowder so loaded or brought down contrary to this Enactment.

Penalty for Smoking, &c. on board Vessels loaded with Gunpowder.

XXII. Any Person having the Care or Management of any Barge, Boat, or other Vessel whatsoever (except Ships or Vessels with Gunpowder on board imported from or to be exported to Places beyond Sea, or going Coastwise,) loaded with Gunpowder, or any other Person on board the same, who brings, has, or uses, or permits any Person to bring, have, or use, any Charcoal, Lucifer Matches, or other combustible Matter, or any Fire or lighted Candle, during the Time of loading or unloading, or when the Hatches are open, or smokes or wittingly permits any Person to smoke on board such Barge, Boat, or Vessel, shall for every such Offence forfeit any Sum not exceeding Five Pounds.

Penalty for undue Delay in loading or unloading Gunpowder.

XXIII. No Person having the Care of any Waggon, Cart, or other Carriage used for the Conveyance of Gunpowder by Land shall, after beginning to place or load therein any Quantity of Gunpowder, or beginning to unload the same thereout, stop or stay at any Place of loading, or in the loading or unloading suffer any longer Time to pass than with the Use of all due Diligence shall be reasonably necessary for the Purpose of loading or unloading; and no Person, having the Charge or Care of any Barge, Boat, or other Vessel used for the Conveyance of Gunpowder by Water, (except in the Case of Vessels loading for Importation or Exportation of Gunpowder to or from Places beyond Sea, or going Coastwise,) shall, after beginning to load or unload any Quantity of Gunpowder, stop or stay at any Wharf, Quay, or other Place of loading, or in the loading or unloading thereof suffer any longer Time to pass than with the Use of all due Diligence shall be reasonably necessary for the Purpose of loading or unloading, not exceeding Eighteen Hours, unless hindered by the Weather; and every Person offending against this Enactment shall for each Offence forfeit any Sum not exceeding Ten Pounds.

Foregoing Provisions to extend only to Carriage of more than 100 lbs. of Gunpowder.

XXIV. None of the aforesaid Provisions for or relative to the Conveyance of Gunpowder, or the loading or unloading thereof, shall extend to any other Waggon, Cart, or Land Carriage, or any other Boat, Barge, or Vessel, than such as shall be loaded with or employed in conveying a Quantity of Gunpowder exceeding One hundred Pounds Weight.

Power to Justices to issue Warrants to search.

XXV. It shall be lawful for any Justice of the Peace, and in *Scotland* for any Sheriff, Justice of the Peace, or Magistrate, within the Limits of whose Jurisdiction Gunpowder is suspected to be made, kept, or carried, contrary to this Act, on Demand made, and reasonable Cause assigned upon Oath by any Person, to issue a Warrant under his Hand and Seal, or in *Scotland* under his Hand, for searching in the Daytime any House, Mill, Magazine, Storehouse, Warehouse,

house, Shop, Cellar, Yard, Wharf, or other Place, or any Carriage, Ship, Boat, or Vessel, in which such Gunpowder is suspected to be made, kept, or carried contrary to this Act; and all Gunpowder found to be made, kept, or carried contrary to this Act, and also the Gunpowder Barrels or other Receptacles, shall be immediately seized by the Searcher, who shall with all convenient Speed after the Seizure remove such Gunpowder, and the Barrels or other Receptacles in which it shall be, to such proper Places as he, in conformity to the Restrictions of this Act, shall think fit, and in the Case of any such Gunpowder seized in any Carriage or Vessel may use for the Purpose of Removal, during the Space of Twenty-four Hours after Seizure, such Carriage or Vessel, with the Tackling, Beasts, and Accoutrements belonging thereto, (paying afterwards to the Owner or Owners thereof a sufficient Recompence for the Use thereof, to be settled by the Justices, Sheriff, or Magistrates before whom the Complaint shall be heard, after the Seizure, and in case of Nonpayment immediately after Settlement by such Justices, Sheriff, or Magistrates, to be recoverable as in the Case of pecuniary Penalties under this Act,) and may detain such Gunpowder, and the Barrels or other Receptacles in which it shall be, till it shall be adjudged, on a Hearing before Two or more such Justices or Magistrates, or before the Sheriff, whether the same shall be forfeited; and such Searcher or Seizer shall not be liable to any Suit for such Detainer, or for any Loss of or Damage which may happen to the said Gunpowder or Barrels or other Receptacles, other than by his wilful Act or Neglect, or the wilful Act or Neglect of the Persons with whom he shall intrust the keeping thereof: Provided, that where any Gunpowder is seized under this Provision, Proceedings for the Forfeiture thereof shall be commenced within Twenty-eight Days after such Seizure.

Regulations for the Security of the Vessels in the River Thames.

XXVI. No Master or Commander of any Ship or other Vessel lying in the *Thames*, and outward-bound, shall receive or permit to be received on board any such Ship or Vessel more than Twenty-five Pounds of Gunpowder (except for the Queen's Service) before the Arrival of such Ship or Vessel at, over against, or below *Blackwall*, and the Master or Commander of every Ship or Vessel coming into the River *Thames* shall (except in the Case of Gunpowder for the Service of the Crown) put on Shore in proper Places, in conformity to the Restrictions of this Act, all the Gunpowder on board such Ship or Vessel above the Quantity of Twenty-five Pounds, either before the Arrival of such Ship or Vessel at *Blackwall*, or within Twenty-four Hours (if the Weather shall permit) after coming to an Anchor there, or to the Place of unloading there, and shall not afterwards have on board more than Twenty-five Pounds of Gunpowder (except for the Service of the Crown), on pain of forfeiting for every Offence in any of the said Cases all the Gunpowder found on board above the Weight of Twenty-five Pounds, and the Barrels or other Receptacles

Receptacles in which such Gunpowder shall be, and also not exceeding Two Shillings for every Pound of Gunpowder above the Quantity of Twenty-five Pounds.

Conservators of the River Thames to appoint Searchers.

XXVII. The Conservators of the River *Thames* for the Time being shall from Time to Time appoint One or more of the Harbour Masters of the Port of *London*, or other Person or Persons, a Searcher or Searchers for unlawful Quantities of Gunpowder in Ships or other Vessels in the River *Thames*, which Person or Persons so appointed are hereby authorized, at any Time between Sun-rising and Sun-setting, to enter any Ship or Vessel (except Her Majesty's Ships) in the River *Thames* above *Blackwall*, and to search the same for unlawful Quantities of Gunpowder, and also shall have the same Powers of seizing, removing to proper Places, and detaining all such unlawful Quantities of Gunpowder found on board any such Ship or Vessel, and the Barrels or other Receptacles in which such Gunpowder shall be, as are herein-before given to Persons searching for unlawful Quantities of Gunpowder under a Warrant of a Justice of the Peace.

Forfeitures and Penalties recoverable summarily.

XXVIII. Any Forfeiture or Penalty, or Forfeiture and Penalty, (as the Case may be,) for any Offence against this Act, and not herein otherwise provided for, may be enforced and recovered upon summary Conviction of such Offence before any Two Justices, or in *Scotland* before any Sheriff or any Two Justices or Magistrates; and, save as herein otherwise provided, one Moiety of every Forfeiture and Penalty for any Offence against this Act, or Violation of any Rules made thereunder, shall belong to Her Majesty, and the other Moiety to the Informer, anything in any Act to the contrary notwithstanding: Provided always, that if the Informer be a Person appointed under this Act by the Secretary of State, or a Servant of the Person informed against, the Moiety of the Penalty which would otherwise belong to the Informer shall be applied in such Manner and to such other Purposes as the Justices, Sheriff, or Magistrates in their Discretion think fit: Provided also, that such Forfeitures and Penalties, and the Expenses attending the Conviction, may be levied and recovered in *Scotland* by Poinding and Sale, and in default of Payment, or of sufficient Poinding, by Imprisonment for any Period not exceeding Three Months.

The Lord Lieutenant or Chief Secretary in Ireland to have the like Authorities as are before given to the Secretary of State.

XXIX. Where under any of the Provisions herein-before contained Application may be made to One of Her Majesty's Principal Secretaries of State, an Application in relation to the like Matter in *Ireland* may be made, by Memorial, to the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or his or their Chief Secretary; and such Lord Lieutenant or Chief Governor or Governors, or his or their Chief Secretary, shall and may have and exercise in *Ireland*,

Ireland, as well in relation to the Matter of any such Application as for and in relation to the Inspection and Examination of Mills and other Places, the same Authorities and Discretion, and may grant and make Certificates, Licences, and Orders having the like Force and Effect, as herein-before provided in relation to the Secretary of State; and all the Provisions of this Act having reference to the Secretary of State shall, in relation to any Matter arising in *Ireland*, take effect as if the Lord Lieutenant or other Chief Governor or Governors, or his or their Chief Secretary, had been mentioned or referred to instead of such Secretary of State.

Act not to extend to Mills erected on Crown Lands, &c.

XXX. This Act shall not extend to any Mills or other Buildings erected or which may be erected for the Purpose of making Gunpowder on any Lands belonging to or held for the Service of the Crown, or to the keeping of Gunpowder at any Storehouse or Magazine belonging to or held for the Service of the Crown, or to the manufacture, loading, or keeping of Percussion Caps, Ammunition, Fireworks, or any Preparation or Compound of an explosive Nature, in any Place belonging to or held for the Service of the Crown, or to hinder the Trial of Gunpowder by Her Majesty's Officers, as is usual, for the Service of the Crown, or to the keeping of Gunpowder at the Magazines now erected for that Purpose at *Barking Creek*'s Mouth in the County of *Essex* and *Erith* Level in the County of *Kent*, or to the keeping of Gunpowder at the Magazines or Storehouses now erected near the City of *Bristol*, or to the keeping of Gunpowder in Vessels moored in the River *Mersey* under the Provisions of the Act of the Session holden in the Fourteenth and Fifteenth Years of Her Majesty, Chapter Sixty-seven, or to the Carriage of Gunpowder to or from Magazines belonging to the Crown, under a special and express Order of the Secretary of State for War, such Order to contain the Quantity of Gunpowder so to be carried, and the Time for which such Order shall be in force, or to the Carriage of Gunpowder with Forces on their March, or with the Militia or Volunteer Corps during their Exercise, or which shall be sent for the Use of such Forces, Militia, or Volunteer Corps.

Act not to affect 54 G. 3. c. 159. or to Gunpowder, &c. on board Her Majesty's Ships, &c.

XXXI. This Act shall not extend to repeal or alter the Act of the Fifty-fourth Year of *George* Third, Chapter One hundred and fifty-nine, or to Gunpowder, Percussion Caps, or combustible Articles on board any Ship, Vessel, or Boat of Her Majesty or in Her Majesty's Service, or required or kept for the Use of Her Majesty's Navy, Her Majesty's Royal Marine Forces, the Royal Naval Coast Volunteers, the Royal Naval Volunteers, or any Force which is or may be under the Orders or Control of the Commissioners for executing the Office of Lord High Admiral of the United Kingdom.

Saving for Proof Houses under 18 & 19 Vict. c. cxlviii. (*Local.*)

XXXII. This Act shall not extend to prevent the keeping of Gunpowder in the Proof Houses of the Two Companies authorized by "The Gun Barrel Proof Act, 1855," or in Magazines connected with such Proof Houses, provided that the Quantity of Gunpowder kept at the same Time in any One such Proof House, and the Magazine (if any) connected therewith, do not exceed in the whole Five Hundredweight.

Not to extend to hinder unlimited Quantities of Gunpowder being conveyed from Ships below Blackwall.

XXXIII. This Act shall not extend to hinder any Person or Persons from carrying or conveying an unlimited Quantity of Gunpowder, in such close-decked Vessels and Manner as herein-before is directed, from any Ships or Vessels lying below *Blackwall*, to any of the Magazines for Gunpowder so situate below *Blackwall*, or from such Magazines to any Ships or Vessels lying below *Blackwall*, and going to any Place beyond Sea or Coastwise, or from the floating Magazines in the River *Mersey* to any Ships or Vessels going to any Place beyond Seas or Coastwise, or from any Ships or Vessels arriving from any Place beyond Seas or Coastwise to the said floating Magazines.

Saving of Enactment for Protection of London Docks.

XXXIV. This Act shall not extend or be construed to repeal or affect the Provisions concerning Gunpowder in and near the *London Docks* in Sections One hundred and thirty-four and One hundred and thirty-five of the Act of the Ninth Year of King *George* the Fourth, Chapter One hundred and sixteen (Local and Personal).

Saving for Provisions of Police Acts.

XXXV. This Act shall not extend or be construed to repeal or affect the Provisions with respect to Gunpowder Magazines, Gunpowder, or Fireworks contained in any General or Local Police Act which may be in force in any Place in the United Kingdom.

2 & 3 Vict. c. 47. and 9 & 10 Vict. c. 25. to be construed as referring to this Act.

XXXVI. And whereas by an Act of the Session holden in the Second and Third Years of Her Majesty, Chapter Forty-seven, "for further improving the Police in and near the Metropolis," every Superintendent or Inspector belonging to the Metropolitan Police Force is empowered as therein mentioned to enter any Ship, Boat, or Vessel (except Her Majesty's Ships) in the River *Thames*, and the Docks and Creeks adjacent thereto, and to search the same for unlawful Quantities of Gunpowder, and to exercise the same Powers of seizing, removing to proper Places, and detaining all such unlawful Quantities of Gunpowder found on board any such Ship, Boat, or Vessel, and the Barrels or other Packages containing such Gunpowder, as are given to Persons searching for unlawful Quantities of Gunpowder under the Warrant of a Justice by virtue of the said Act of the Twelfth Year of King *George* the Third; and by an Act of the Session holden in the Ninth and Tenth Years of the Reign of Her Majesty,

Majesty, Chapter Twenty-five, "for preventing malicious Injuries to "Persons and Property by Fire or by explosive or destructive Sub-"stances," any Justice of the Peace is empowered as therein mentioned to issue a Warrant for searching in the Day-time any Place or Vessel in which Gunpowder or other explosive, dangerous, or noxious Substance is suspected to be made or kept for the Purpose of being used in committing an Offence under that Act; and it is enacted, that every Person acting in the Execution of any such Warrant shall have, for seizing, removing to proper Places, and detaining all Gunpowder, explosive, dangerous, or noxious Substances found upon such Search which he shall have good Cause to suspect to be intended to be used in committing an Offence under that Act, and the Barrels, Packages, and Cases in which the same shall be, the same Powers which are given to Persons searching for unlawful Quantities of Gunpowder under a Warrant of a Justice by the said Act of the Twelfth Year of King *George* the Third:

All Powers given by the said Acts of the Second and Third Years and Ninth and Tenth Years of Her Majesty, or by any Act passed or to be passed in this present Session of Parliament, by reference to the said Act of the Twelfth Year of King *George* the Third, shall be construed as if this Act had been referred to in the said Acts of Her Majesty, instead of the said Act of King *George* the Third.

Meaning of the Word "Borough."

XXXVII. In the Construction of this Act the Term "Borough" shall mean and include any Place for the Time being subject to the Provisions of the Act of the Session holden in the Fifth and Sixth Years of King *William* the Fourth, Chapter Seventy-six; and in *Scotland* any Royal Burgh and any of the Burghs or Towns returning or contributing to return Members to Parliament; and in *Ireland* any Place for the Time being subject to the Provisions of the Act of the Session holden in the Third and Fourth Years of Her Majesty, Chapter One hundred and eight.

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or the playing of any Music, or discharging any Cannon or Firearm in any public Street, Road, or Place.

Any Justice may authorize Removal of Banners, &c.

II. It shall be lawful for any Justice of the Peace, on Information duly sworn before him that such Exhibition is likely to lead to a Breach of the Peace, by Warrant under his Hand, to authorize and empower any County or Sub-Inspector of Constabulary, Head or other Constable, to enter any Building or Place upon which any such Banner, Flag, or Party Emblem, or Symbol shall be exhibited, in manner hereby prohibited, and to remove and detain such Banner, Flag, or Party Emblem, or Symbol.

Act to continue in force for Five Years.

III. Provided always, That this Act shall continue and be in force for the Period of Five Years from the passing thereof.

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should not exceed One thousand five hundred Persons, notwithstanding the aggregate yearly Value should exceed Five hundred Pounds: And whereas another Act was passed in the Eighteenth and Nineteenth Years of Her Majesty's Reign for making better Provision for the Union of contiguous Benefices, which Act will expire on the Fourteenth Day of *August* in the present Year: And whereas it is expedient to extend the Provisions of the said Two first-recited Acts, so as to make better Provision for the Union of contiguous Benefices in the Metropolis: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

18 & 19 Vict. c. 127.

Contiguous Benefices within the Metropolis as defined by 18 & 19 Vict. c. 120. may be united.

I. After the passing of this Act, Two or more contiguous Benefices within the Metropolis as defined by an Act passed in the Session of Parliament which sat in the Nineteenth and Twentieth Years of the Reign of Her Majesty, intituled *An Act for the better Local Management of the Metropolis*, may from Time to Time be united, or a Benefice or contiguous Benefices and One or more Spiritual Sinecure Rectory or Rectories, Vicarage or Vicarages, contiguous to such Benefice or Benefices, and situate in the Metropolis, may from Time to Time be united without regard in any Case to aggregate Population or aggregate yearly Value, and without Limitation as to the same, and every such Union shall be effected in the Manner hereinafter provided.

Interpretation of Terms.

II. The Expression "Union of Benefices" shall throughout this Act (unless there shall be something in the Context repugnant to such Construction) mean such an Union of Two or more contiguous Benefices with one another, or such an Union of a Benefice or Benefices with a Spiritual Sinecure Rectory or Spiritual Sinecure Rectories, Vicarage or Vicarages, as is specified in the preceding Section of this Act; and the Expression "united Parish" shall mean the Parishes which in consequence of an Union of Benefices shall have become united for Ecclesiastical Purposes under this Act.

Power to Bishops of London or Winchester to issue Commissions.

III. Whenever it shall appear to the Bishop of the Diocese of *London* or of *Winchester*, as the Case may be, that an Union of Benefices may with Advantage to the Interests of Religion be effected within his Diocese, he may cause a Commission to be issued under his Hand and Seal, addressed to Five Persons, to be nominated as after mentioned, authorizing and requiring them to inquire into and report upon the Expediency of the proposed Union, and such Commissioners shall and may inquire into all such Matters in anywise affecting such Union or connected therewith as they may deem necessary,

necessary, and the Commissioners shall make their Return to the Commission within Six Calendar Months from the issuing of the Commission, or within such enlarged Time as the Bishop shall, by Writing under his Hand, from Time to Time direct, and Notice of the issuing of a Commission shall be sent by the Bishop to the Vestry Clerk of each Parish proposed to be united, and Notice thereof shall be published by such Vestry Clerk by affixing it upon the Door of the Parish Church.

Commission how to be nominated.

IV. Three of the Commissioners shall be beneficed Clergymen residing within the Diocese, of whom One shall be nominated by the Dean and Chapter of the Cathedral Church of *Saint Paul*, and Two by the Bishop of the Diocese, and the remaining Two shall be Lay Members of the Church of *England*, and shall be nominated to the Bishop by the Corporation of the City of *London*; and no Commissioner shall be entitled to claim or shall receive any Salary or Payment for performing the Duties imposed on him as such Commissioner.

The Number to constitute a Quorum, their Powers, and the Return to the Commission.

V. Three of the Commissioners, of whom One shall be a Lay Commissioner, shall constitute a Quorum; and the Commissioners shall have Power at their Discretion to call for the Production before them of any Documents not affecting private Interests which they may deem necessary for the Purposes of the Commission, and the Persons having the Care or Custody of such Documents shall be bound to produce them to the Commissioners upon the Requisition in Writing of any Two Commissioners; and the Commissioners may examine on Oath all Persons desirous or willing to be examined by them touching any Matter relating to the Object of the Commission, and may administer the Oaths necessary for that Purpose, and the Churchwardens of the Parishes proposed to be united shall have Notice of the Sittings of such Commission, and shall be entitled, with their Vestry Clerk, to attend thereat; and the Commissioners shall in their Return to the Commission certify all such Matters and Things as shall appear to them material, together with their Opinion as to the Expediency or otherwise of the proposed Union, and if they, or any Three of them competent to constitute a Quorum, shall deem the Union expedient, shall recommend the Terms on which in their Opinion the same ought to be effected.

Disqualification of Commissioners, and the issuing a fresh Commission.

VI. If before the Return to the Commission any Commissioner shall die, or become incapable of acting by Removal from the Diocese or otherwise, the Commission shall continue in full Force, unless there shall not be sufficient Commissioners remaining to constitute a Quorum; and notwithstanding the Death or Disqualification of any One or more of

of the Commissioners the qualified Commissioners for the Time being shall continue to exercise the Powers given to the Commissioners by this Act until such Vacancy or Vacancies shall have been filled up, but if there shall not be a sufficient Quorum, the Bishop may, either before or after the Time limited for the Return to the Commission, issue a fresh Commission under the Provisions of this Act in lieu of the original Commission, and the Commissioners under such substituted Commission shall have all the Powers of the original Commission, and may adopt the Evidence taken under it.

Bishop to prepare and transmit Proposals for a Scheme to Churchwardens and Vestry.

VII. If the Return to the Commission shall recommend an Union, the Bishop shall cause Proposals for a Scheme, based upon the Terms recommended, to be prepared for effecting the Union, which Proposals, with the Consent thereto in Writing of the Patron or Patrons of each of the Benefices affected, shall be transmitted by the Bishop to the Churchwardens of each Parish proposed to be united, in order that the same may be considered by the Inhabitants in Vestry assembled; and all such Proposals shall have especial Regard to the Residence of the Incumbent on the Benefice proposed to be constituted the united Benefice, and shall contain all necessary Provisions conducing to such Residence.

Vestry to notify Assent or Objections and Bishop to transmit final Proposals to Ecclesiastical Commissioners, to prepare Scheme, and certify same to the Queen in Council.

VIII. The Vestry of each Parish shall, by the Vestry Clerk or other Officer, notify to the Bishop, within Two Calendar Months after the Receipt of the Proposals, their Assent or their Objections to or any Suggestions for the Modification of the same, and the Bishop shall give full Consideration to every such Notification of Vestry, and shall make such Alterations in the Proposals as he may think right; and the Bishop shall cause such Proposals, as finally approved by him and assented to by the Patrons, and by the Vestries of the Parishes to be affected thereby, to be transmitted to the Ecclesiastical Commissioners for *England*, who shall thereupon cause to be prepared a Scheme for carrying out the proposed Union, which Scheme may, with the Assent of the Bishop and Patrons, and the Vestries of the Parishes to be affected thereby, embody any Modifications of the Proposals, and shall send Drafts of such proposed Scheme to the Churchwardens of the Parishes to be respectively affected by the Scheme, with Notice that they or any of them may, within Two Calendar Months, show Cause to the Ecclesiastical Commissioners against the proposed Union or any Part or Parts of the Scheme relating thereto, and if within such Period of Two Calendar Months no Cause be shown, the Ecclesiastical Commissioners shall certify the Scheme, and the Consent thereto in Writing of the Bishop and of the Patron, and of the Vestries of the Parishes to be affected thereby, to Her Majesty in Council, and thereupon it shall be lawful for Her Majesty in Council

Council to make and issue any Order or Orders for effecting the Union, and for uniting the Parishes of the united Benefices into One Parish for Ecclesiastical Purposes, and for such other Purposes as are herein provided: Provided always, that if any Petition or Statement is lodged by way of Protest, or any Appeal is made against the Scheme or any Part thereof, as herein-after is provided, no such Order or Orders in Council shall be made or issued until such Petition or Statement has been duly considered, or the Parties to such Appeal have been duly heard.

What the Commissioners shall insert in the Scheme.

IX. It shall be lawful for the Ecclesiastical Commissioners to insert in any Scheme to be prepared by them all proper Directions for the Appointment of the First Incumbent of the united Benefice, and for regulating the Course and Succession in which the Patrons, if there be more than One Patron, shall present or nominate to such united Benefice from Time to Time as the same shall become vacant, and they shall have Power to insert in any Scheme all such Provisions in addition to those hereby expressly authorized as may in their Opinion be necessary for effectually carrying out the particular Measures proposed by the Scheme, including any Provisions which may be found necessary for the Compensation of any of the Incumbents of the Benefices to be united who may be willing to retire therefrom; and the Ecclesiastical Commissioners shall and may, for the Purposes of this Act, exercise all Powers and Privileges now or for the Time being exerciseable by them under the Acts of Parliament relating to their Commission, or under the Church Building Acts, particularly as regards the Purchase of Sites and the Erection of Churches.

Part of a Benefice or united Benefice may be severed and included in Scheme.

X. Whenever it shall be deemed expedient to unite Part only of a Benefice with some other contiguous Benefice or Benefices, any Portion of a Benefice or Benefices, or any Portion of Two or more Benefices, which shall have been united under the Provisions of this or of any other Act, or in any other Manner, and either prior to or subsequently to the passing of this Act, may in the Manner prescribed by this Act be severed from the remaining Portion, and thereupon such a Portion of the Parish or united Parishes to which the Benefice shall belong as shall be determined by the Scheme effecting the Severance shall become disunited for Ecclesiastical Purposes; and the Portion of Benefice and Parish so severed shall, for the Purposes of an Union of Benefices under this Act, be deemed to be a separate Benefice and Parish respectively, and may by the same Scheme and Order in Council under which such Severance shall be effected, or by any supplemental Scheme, be united to any other contiguous Benefice or Benefices; and in such original or supplemental Scheme Provisions may be inserted for annexing to the severed Portion a Proportion of the

the Real and Personal Property of the Parish or united Parishes from which such Severance shall have been made, and for the dealing with and Application of the Property (if any) to be so annexed, and for defining and determining the Rights of the Parishioners of the severed Portion in regard to the joint Vestry of the newly united Parish with which the severed Portion shall be incorporated, and as to the Manner of exercising such Rights, and all such other Provisions as may seem to the Ecclesiastical Commissioners necessary or expedient in lieu of any Provisions contained in this Act not applicable to an united Benefice or Parish of which a severed Portion of a Benefice or Parish shall constitute Part, and after the Severance the remaining Portion of the Benefice or Parish from which the Severance shall have been made shall continue One Benefice or Parish or united Benefice or Parish, and shall not be otherwise affected by such Severance; and whenever in this Act the Consent of the Patron of a Benefice shall be required for carrying the same into effect, the Patron whose Consent shall be requisite in the Case of any such severed Portion shall be the Patron of the Benefice or united Benefice from which such Severance shall be intended.

Surplus Revenue of united Benefice may be annexed as an Endowment to any other Benefice in the Metropolis or its Vicinity.

XI. Whenever it shall appear to the Ecclesiastical Commissioners that the total Revenue of any Benefices proposed to be united would be more than sufficient for the due Maintenance and Support of the Incumbent of the Benefice proposed to be constituted an united Benefice, and of such Assistant Curate or Curates as may be needed for the same, and that some specified Part or Parts of the permanent Endowments belonging to the Benefices proposed to be united, or any of them, might with Advantage to the Interests of Religion be made subject to a certain annual Rentcharge in perpetuity in favour of some other specified Benefice in the Metropolis or in the Vicinity thereof, or might be excepted out of such Union, and transferred and annexed to such other specified Benefice, having no Provision or no competent Provision belonging thereto, as an Endowment or a further Endowment for the same, the Ecclesiastical Commissioners, with the Consent of the Patron or Patrons of the Benefices proposed to be united, and of the Vestries of the Parishes to be affected thereby, and of the Bishop of the Diocese within which such Benefices shall be situate, may prepare and submit to Her Majesty in Council a Scheme for providing such Rentcharge, or for effecting such Transfer or Annexation, and thereupon it shall be lawful for Her Majesty in Council to make and issue an Order or Orders for giving Effect to the said Scheme of the Commissioners, and in the Scheme there shall be inserted all such Powers for recovering the Rentcharge (if any) by Distress upon or Perception of the Rents and Profits of the Hereditaments

to

to be charged therewith or otherwise, and for the immediate or prospective Apportionment of such Rentcharge or otherwise in relation thereto, as to the Ecclesiastical Commissioners shall seem reasonable and proper; and upon the Order or Orders directing such Provision, Transfer, or Annexation coming into operation the Rentcharge or other permanent Endowments to be provided, transferred, or annexed shall, without any further Deed, Transfer, or other Assurance, become and be for ever annexed to such Benefice, and the same and all Powers for recovering the Rentcharge (if any), or relating thereto, shall be vested in and held and enjoyed and be exerciseable by the Incumbent thereof for the Time being as the Endowment or a Part of the Endowment thereof, subject and without Prejudice nevertheless to all Leases, Grants, Rents, Charges, and Incumbrances existing at the Time of such Provision, Transfer, and Annexation legally affecting the same, but the Ecclesiastical Commissioners may, in their Discretion, appropriate any Part not exceeding One equal Fifth Part of the annual Income arising from any such Endowment during the whole or any Part of the first Five Years next after the Scheme shall come into operation as a Fund in augmentation of the Fund herein-after provided for the Payment of the Costs, Charges, and Expenses of carrying the Provisions of this Act into effect: Provided that the Amount of such Rentcharge leviable under such Scheme in any Parish proposed to be united, and not included in the Eleventh Chapter of the Statute of the Twenty-second Year of the Reign of King *Charles* the Second, shall not exceed the average annual Amount levied and paid to the Incumbent of such Parish in the Seven Years immediately preceding the passing of this Act.

Patronage of Benefices may be exchanged for facilitating Unions.

XII. If for the Purpose of more conveniently carrying the Provisions of this Act into execution it shall appear to the Ecclesiastical Commissioners to be desirable, in any Case of a proposed Union of Benefices, that an Exchange should be made of the Patronage of all or any of the Benefices proposed to be united for the Patronage of any other Benefice, an Exchange may (with the Consent of the Patrons of the Benefices in respect whereof such Exchange shall be intended, and with the Approval of the Ecclesiastical Commissioners,) be made by any Person with any other Person or Corporation, or by any Corporation with any other Corporation or Person, of the Patronage or any Rights of Presentation to any Benefice, whether the whole Patronage of such Benefice be vested in one Person or Corporation or in different Persons or Corporations by way of alternate Presentation or otherwise; and every such Exchange shall be effected by the Scheme for the proposed Union of Benefices; and after such Exchange the Patronage taken by each Party by way of Exchange shall

shall be discharged from all prior Title relating thereto; and the Title to the Patronage given by each Party by way of Exchange shall shift and attach to the Patronage given to such Party, which shall become subject to the same Uses, Trusts, Powers, Limitations, and Provisions in every respect as the Patronage so given would have been subject to if such Exchange had not been made.

Orders in Council when published in the Gazette and registered to have Force of Law.

XIII. The Order or Orders in Council affirming any Scheme or directing any Union, Severance, or Annexation shall, as soon as may be after the making thereof by Her Majesty in Council, be inserted and published in the *London Gazette*, and shall be registered in the Registry of the Diocese, and the Registrar of the Diocese is hereby required to make such Registry, and such Order in Council, so soon as the same shall have been gazetted, shall (but subject and without Prejudice to the Rights of any Incumbent affected thereby who shall not assent thereto) have full Force and Effect of Law in all respects, and as to all Things therein contained.

Scheme may provide for Erection of new Church or Parsonage, Removal of old Church or Parsonage, Sale of Site, &c.

XIV. Any Scheme may (but subject to Objection and Protest as after mentioned, and subject to the Restrictions herein contained,) provide for the Erection of any new Church or Parsonage House, for the pulling down or Removal of any existing Church, except as herein-after provided, or Parsonage House of any Benefices proposed to be united, and for the Appropriation or Sale of the Materials and Site of the same respectively, and of the Ground annexed thereto and necessary for the Use and Enjoyment thereof, for the Appropriation of any Plate or other Furniture held in trust for any Church to be pulled down, for the Disposal of any Organ in such Church, for the Transfer of any Lectureships attached to such Church, but not so as to affect the Right of Appointment to any Lectureship, or for Sale or Exchange of any Parsonage or Glebe Houses or Buildings, or the Sites thereof, with their Appurtenances, for Compensation to Parish Clerks or other Officers, or for Arrangement with respect to Fees or Vestry Rooms; but the Font, Communion Table, and Plate used for the Purposes of the Holy Communion shall not be sold, but shall be transferred to the Church of the united Benefice, or if such Font, Communion Table, and Plate be not needed for such Church, then to any other Church or Chapel, or Churches or Chapels, within the Diocese which the Bishop may select: Provided always, that nothing in this Act contained shall authorize the pulling down the Churches of *Saint Stephen's Walbrook*, *Saint Martin Ludgate*, *Saint Peter Cornhill*, and *Saint Swithin Cannon Street*; provided also, that the Scheme for the Removal of any Church or Parsonage shall provide for the Erection of another Church or Parsonage within the Limits of the Metropolis.

XV. Pro-

XV. Provided always, That no such Scheme shall be submitted to Her Majesty in Council until it has been laid before both Houses of Parliament for the Space of Two Calendar Months.

Schemes to be laid before Parliament before being submitted to Her Majesty.

XVI. Any Person interested who may have shown Cause to the Ecclesiastical Commissioners against the proposed Union of any Benefices, or against subjecting the Endowments or Revenues thereof, or any Part of them, to any Rentcharge or Transfer, or Annexation, or against any Part or Parts of any Scheme certified by them to Her Majesty in Council, may appeal to Her Majesty in Council against such Scheme or any Part thereof in the usual Manner, or may, at his Option, state in Writing by way of Protest his Objections to such Union or any Part or Parts thereof, and the Ecclesiastical Commissioners shall annex such written Statement or Protest to their Certificate to the Queen in Council, and Her Majesty in Council may order and direct that such Objections shall be considered by the Judicial Committee of the Privy Council, and the said Judicial Committee shall make report to Her Majesty in Council thereupon, and may propose to Her Majesty in Council to affirm, vary, or dismiss the Scheme certified by the Commissioners, or to return the same to the said Commissioners for Alteration or Amendment, and Her Majesty in Council may affirm, vary, or dismiss the Scheme accordingly, or return the same to the Commissioners to be reconsidered as to any Parts thereof.

Judicial Committee to consider Protest against Scheme.

XVII. Nothing in this Act contained shall legalize the Sale or Letting or Appropriation of the Site of any Church unless with the Consents in Writing of the Archbishop of the Province, the Bishop of the Diocese, the Archdeacon, and the Secretary of State for the Home Department, and the Site shall be dealt with subject to such Directions and Restrictions as to the Removal of the Remains of Persons deposited under the Church to be pulled down, and as to the not disturbing and finally closing such Vaults or Graves, as to such Secretary of State shall seem meet; but nothing in this Act contained shall legalize the Sale or Letting of any Churchyard or Burial Ground; and no Sale or Letting shall be made of the Site of any Church wherein any Bodies are known to be interred until after the Remains of the Persons deposited under such Church shall have been properly removed at the Cost of the Ecclesiastical Commissioners, to be paid out of the Fund herein-after provided, into some consecrated Churchyard or Burial Ground, or to such Portion of the Vaults of the same Church as may be separated and set apart for a Burial Place; and Notice shall be given by the Churchwardens, or One of them, to the Heirs, Executors, or Administrators of any Persons interred in or under any such Church, where they can be ascertained, of the Intention to remove such

Site of Church pulled down not to be sold or let without certain Consents.

Remains; and a Certificate in Writing under the Hand of One of the Churchwardens of the united Parish that such Removal has been duly made, and that such Notice has been given, or that such Heirs, Executors, or Administrators cannot be ascertained, shall be conclusive Evidence of the Provisions of this Act in regard to such Removal having been complied with; and as to any Tablets or Monuments in such Church, the same, if not removed by the Heirs, Executors, Administrators, Relatives, or Friends of the Person, or of some or one of the Persons, to whose Memory the same shall have been erected, shall, at the Cost of the Ecclesiastical Commissioners, to be paid out of the Fund herein-after provided, be carefully removed and fixed in some convenient Part of the Church to be constituted the Church of the united Parishes; but every such Removal of Tablets or Monuments may be made without the Necessity of a Faculty from the Bishop's Court, and shall be free from the Payment of any Fees to the Incumbent of such Church or to any Officer of the same or of the Parish thereof: Provided always, that it shall be lawful for the Heirs, Executors, Administrators, Relations, or Friends of any Persons who shall be interred or deposited in or under any such Church, or in any such first-mentioned Churchyard or Burial Ground, under proper Direction, to remove the Remains of such Persons, and also the Tablets or Monuments erected to their Memory, to any Place they may think proper; and the Expenses of such Removal, not exceeding Ten Pounds in each Case, shall be paid by the Ecclesiastical Commissioners out of the said Fund

After Union of Benefices Parishes to become united for Ecclesiastical Purposes, and Scheme to determine which Church to be Parish Church.

XVIII. After an Union of Benefices, the Parishes whereof the Benefices shall be united shall become and continue united, but for Ecclesiastical Purposes only, and in case there shall be only One Church left standing and remaining within such united Parish, such Church shall be the Church of the united Parish, but in case more than One Church shall be left standing then the Scheme shall determine which of the Churches so left standing shall be the Church of the united Parish, and the Vestry Room of the Church so constituted the Parish Church shall be held to be the Vestry Room of the united Parish for the Use of the Parishioners thereof, and also the Vestry Room for secular Purposes for the Parishioners of each of the Parishes forming the united Parish, and for the Care and Preservation of the Deeds, Muniments, and Records belonging to the same, unless otherwise provided by the Scheme.

Bishop may allow additional Church left standing to be used

XIX. In case any Church shall be left standing within the Limits of any united Parish other than the Parish Church, it shall be lawful for the Bishop of the Diocese, by an Instrument in Writing under his Hand and Seal, deposited in the Registry of the Diocese, to allow the same

same to be used for the Performance of Divine Service, according to the Rites and Ceremonies of the United Church of *England* and *Ireland*, in the *Welsh* or *Irish* or in any Foreign Language, or for the Purposes of a School or Schools in connexion with the said United Church: Provided always, that nothing herein contained shall authorize any Person to officiate in any such Church, according to the Rites and Ceremonies of the United Church of *England* and *Ireland*, except with the Licence of the Bishop; and that before the Grant of any Permission by the Bishop for the Use of any such Church for any of the Purposes hereby authorized such Bishop shall require proper Provision to be made for the Repair and Sustentation of the Fabric of the Church so to be used, and for the Preservation and Care of the Monuments and Tablets therein.

for certain Services.

XX. Notwithstanding any Union of Parishes under this Act, the Parishes to become united shall, as to all Estates and other Property, and all Rates, Taxes, Parochial Rights, and all Privileges, Liberties, and Respects whatsoever, other than such as are affected by this Act, continue and remain distinct, in the same Manner as they were before such Union; and the Parishioners of such Parishes shall continue severally to elect Churchwardens and other Parish Officers for the said Parishes in the same Manner as they could have done before such Union, and the Churchwardens so to be elected in each of the said Parishes shall together be Churchwardens of the Church of the united Parish; and the Vestries of the united Parish shall together form One joint Vestry for all Ecclesiastical Purposes; but whenever a Parish or Parishes shall be represented by a Select Vestry (unless all the Parishes to be united shall be so represented), the Persons to form the joint Vestry shall consist of the Select Vestry for the Time being of such Parish or Parishes and of Parishioners, the Number whereof shall be determined by the Scheme of the other Parish or Parishes, and the Mode of electing and maintaining the Representation at the joint Vestry of the Parish or Parishes not represented by a Select Vestry shall be determined by the Scheme; and in the Scheme may be inserted all such other Provisions for the Maintenance and Regulation of the joint Vestry, and for defining the Proportions in which each Parish shall contribute towards the Sustentation of the Fabric of the Church of the united Parish, and for the Maintenance of the Services therein, and for other Ecclesiastical Purposes, as the Ecclesiastical Commissioners, having regard to the Circumstances of each particular Case, may deem necessary.

Estates of Parishes united to remain distinct as before Union, except as affected by this Act.

XXI. No Union of Benefices under the Provisions of this Act shall affect the Estates or Property, Donations, Charities, and Benefactions heretofore

Property belonging to separate Parishes

how to be applied.

heretofore given to or for the Benefit of the Parishioners, or any of the Parishioners of any particular Parish, or held upon any special Trusts, or applicable by Law or Usage for or towards the Maintenance of the Poor, but the same shall remain and continue to be applicable to the Purposes to which the same have or ought to have been heretofore applied, except that where Attendance, or the Performance of Divine Service, or any other Act is required at any Church within the united Parish other than the Parish Church of the united Parish, the Parish Church shall, so far as regards any such Attendance, Performance of Divine Service, or other Act, be deemed to be such other or original Church; and all Property which, if such Union had not been effected, would have been vested in any Incumbent for the Time being of any Benefice proposed to be affected by such Union, either solely, or jointly with the Churchwardens or any other Person or Corporation, upon any special Trusts, the Incumbent for the Time being of the united Benefice shall be substituted for and represent the Incumbent of such separate Parish; and the Trust Property shall vest in such Incumbent, solely or jointly with such Churchwardens or other Person or Corporation (as the Case may be), and such Incumbent shall have the same Powers as the Incumbent whom he shall represent would have had in regard thereto if such Union of Benefices had not been effected; and if any such Property shall have been vested in a Corporation of which the Incumbent of the separate Parish shall have been a Member, the Corporation shall not be affected by the Union, but the Incumbent for the Time being of the united Benefice shall become a Member of such Corporation in lieu of the Incumbent of the separate Parish.

Providing Fund for Payment of Expenses of carrying Act into execution

XXII. All Expenses which shall be incurred by or under the Sanction or Direction and on behalf of any Bishop or the Ecclesiastical Commissioners in promoting any Union of Benefices, and in otherwise carrying the Provisions of this Act into execution, and of the Scheme under which any Union shall be effected, including all preliminary Expenses so incurred, shall be paid by the Ecclesiastical Commissioners, out of a Fund to be provided by them, in manner following (that is to say): They shall on the First Sale by them of Property or Materials in pursuance of any Scheme and Order under this Act appropriate the whole or such Portion as they may think sufficient of the Produce of such Sale as a Fund, which shall be applied by them in Payment of the Expenses incurred and to be incurred in relation to all the Proposals and Schemes for the Union of Benefices, and the same Fund shall from Time to Time be augmented by the said Commissioners from the Produce of similar Sales of Property as there may be occasion; and out of the Fund so to be created the said Commissioners shall defray all

all the Expenses incurred in relation or incidental to any Commission to be issued under this Act having reference to any Union or proposed Union of Benefices, and to all Inquiries, Proposals, and Schemes which shall be made and prepared in consequence of any such Commission (including all preliminary Costs and Expenses, whether incurred prior or subsequently to the Creation of such Fund), and whether such Inquiries, Proposals, and Schemes shall result in an Order in Council or not, and after providing a sufficient Fund for the Payment of all such Expenses, and after providing and appropriating a Portion of such Fund sufficient in the Opinion of the Ecclesiastical Commissioners to meet the probable preliminary Expenses of any future Commission to be issued under this Act, having reference to the Union of Benefices, the Surplus of the Monies so set apart shall be applied by them, with the Consent in Writing of the Bishop, for the Benefit of any Benefice or Benefices in the Metropolis, to whose Benefit the said Commissioners may, with such Consent, think fit to apply the same.

Scheme to be valid notwithstanding Informalities or Omissions.

XXIII. After any Scheme for an Union of Benefices or any supplemental Scheme shall have been sanctioned by an Order in Council, such Scheme shall be valid and of full Force and Effect, notwithstanding any previous Non-compliance with any of the Requirements of this Act, and notwithstanding any Omission in regard thereto or Non-observance thereof, and notwithstanding any Variation between such Scheme and the Proposals originating the same.

As to Consents of Patrons and Vestries to Schemes.

XXIV. In order to give Validity to any such Scheme or supplemental Scheme, the Consent of the Vestry of any Parish shall be signified in Writing under the Hand of the Chairman of such Vestry, stating that in a Vestry duly convened for the Purpose of giving such Consent a Resolution for giving such Consent had been duly carried; and whenever under the Provisions of this Act the Consent of the Patron of any Benefice is made necessary to any Proposals, Scheme, or Union, or to any Exchange of Patronage or other Act, the Consent of the Person or Persons or Corporation who in case such Benefice were vacant would be entitled to present thereto shall be sufficient; but if the Right to present to such Benefice shall be vested in different Persons or Corporations by way of alternate Presentations, the Consent of each other Person or Corporation in whom the expectant alternate Right of Presentation shall for the Time being be vested shall be necessary, and the One hundred and twenty-sixth, One hundred and twenty-seventh, and One hundred and twenty-eighth Clauses of the Act of Parliament of the First and Second *Victoria*, Chapter One hundred and six, as regards the Consent of Patrons to the Exercise of the Powers given by that Act, shall be applicable to the Consent

of Patrons under this Act, in the same Manner as if the same Clauses were here repeated and made applicable thereto; and if in any Case it shall in the Opinion of the Ecclesiastical Commissioners be doubtful what Person ought to consent as or on behalf of the Patron of any such Benefice under the Provisions of this Act, it shall be lawful for the Ecclesiastical Commissioners to specify the Person or Corporation by whom such Consent ought to be given, and the Consent of the Person or Corporation so specified shall be sufficient for all the Purposes of this Act.

Supplemental Orders may be made.

XXV. Her Majesty in Council may, at any Time after the issuing of any Order for the Union of Benefices, make a supplemental Order, founded upon any Scheme to be proposed to Her Majesty in Council by the Ecclesiastical Commissioners, for remedying any Defects or for supplying any Omissions which in the Opinion of the Ecclesiastical Commissioners shall appear to exist in the Provisions of the Order or Orders effecting any such Union, and for making any Corrections and Alterations in relation thereto which may be found necessary, and every such supplemental Order shall have the same Force and Effect as if it had formed Part of the original Order made under the Provisions of this Act, but the same Consents shall be necessary to such proposed supplemental Scheme as would under the Provisions of this Act have been necessary to such supplemental Scheme if the same had been an original Scheme.

Bishop may prepare a Scheme as to Lectures customarily preached in Churches to be pulled down.

XXVI. In the Case of endowed Lectureships, when the Lectures have been customarily preached in a Church which may be taken down, or which may cease to be a Parish Church under the Provisions of this Act, such Lectures shall be preached in the Church which shall have been or may be selected as the Church of the Parish of which the Church may have been taken down, or the Bishop of the Diocese for the Time being may, in order to avoid Difficulties, prepare from Time to Time under his Hand a Scheme or Schemes for transferring such Lectures to other Churches, to be preached therein at such Times as to the said Bishop may appear convenient, but not so as to affect the Right of electing or nominating any Lecturer, and such Scheme shall be submitted by the said Bishop to the Charity Commissioners under the "Charitable Trusts Act, 1853," and such Scheme, if approved of by them, and by the Vestries of the Parishes affected thereby, or subject to such Alterations therein as may appear to the said Commissioners advisable, and as shall be approved of by the said Bishop, and by the Vestries of the Parishes affected thereby, and if assented to in Writing by the Incumbent of the Church to which it may be proposed to transfer the Lectures, shall be valid for effecting the Purposes therein mentioned, and shall be registered in the Registry

Registry of the Diocese; but nothing in this Act contained shall give the Bishop any Power to license a Lecturer without the Consent of the Incumbent of the Church in which such Lecturer is to officiate.

Bishop of Diocese may direct Churches to be reseated, and Seats to be apportioned for the Accommodation of Parishioners.

XXVII. If any Commissioners appointed under this Act shall report that it is not expedient to carry any proposed Union into effect, but that it would be expedient to afford improved Accommodation in One or more of the Churches referred to in such Report for casual Residents in the City or Town, and others not being Parishioners, the Bishop of the Diocese may, in any such Case in which the Funds for the Alteration of the Seats in the Manner recommended in such Report shall within Two Years from the Date of such Report be provided by local or public Subscription, direct such Church to be reseated accordingly; and in such reseating due Provision shall be made for the Appropriation of such Number of Seats as may be required for the Accommodation of all Parishioners attending Divine Worship in such Church, and the Churchwardens shall have Power to alter from Time to Time the Appropriation of such Seats, and to appropriate to the Use of Parishioners such further Number of Seats as may be required by them, and all the Seats both appropriated and free under any new Arrangement made under this present Provision shall be made as near as possible of the same Size and general Appearance.

Appropriation of Seats in Church of united Parish.

XXVIII. Upon any Union of Benefices the Bishop of the Diocese under his Hand and Seal shall and he is hereby authorized, by Faculty from his Court, to alter and re-adjust the Seats, and the Appropriation thereof, in the Church of the united Parish, so that not less than One Half of the Sittings in such Church shall be left unappropriated, and the Remainder shall be placed at the Disposal of the Churchwardens of such Church, under the Control and Direction of the Bishop, for the Use of the Parishioners of such united Parish discharged from all prescriptive and other pre-existing Rights; and the Bishop of the Diocese, either upon an Union of Benefices, or at any Time, and from Time to Time afterwards, may cause the Church of the united Parish to be re-seated, and may adjust and appropriate or re-adjust and re-appropriate the Sittings in the same Church; and all Monies expended and required for such Purposes, and not provided by voluntary Donation or in any other Manner, shall be deemed Expenses incurred by the Bishop in carrying the Provisions of this Act into execution, and shall be defrayed accordingly.

Property to be sold to vest in Ecclesiastical Commissioners.

XXIX. Upon any Order in Council under this Act coming into full Operation all Churches, Houses, Buildings, Land, and Hereditaments which shall be authorized by such Order to be pulled down or sold shall, without any Conveyance or other Form of Law, be and become absolutely vested in the Ecclesiastical Commissioners, in trust

trust to deal with or dispose of the same, and the Proceeds and Produce thereof as directed by this Act, and the Freehold of the Parish Church of the united Parish, and the Freehold of all such other Lands and Hereditaments previously vested in the respective Incumbents of the Parishes constituting the united Parish as shall not be vested in the Ecclesiastical Commissioners, shall become vested in the Incumbent for the Time being of the united Parish; and the said Commissioners shall have Power to make all necessary Conveyances of the Hereditaments so vested in them, and to make sale and dispose of the same, at such Times, and at such Prices, and in such Manner in all respects as to them shall seem expedient; and the Receipt in Writing of the Treasurers for the Time being of the said Ecclesiastical Commissioners for the Purchase Monies, Rents, and Profits of such Hereditaments shall effectually discharge the Purchasers thereof and other Persons paying the same from the same Purchase Monies, Rents, and Profits, and from all Liability in respect thereof.

Extending Provisions of 1 & 2 Vict. c. 106. and 18 & 19 Vict. c. 127.

XXX. The Provisions contained in the Act One and Two *Victoria*, Chapter One hundred and six, in relation to the Disunion of united Benefices, shall apply to all Benefices which shall have been united under the Provisions of this Act; and the Provisions of the Act Eighteen and Nineteen *Victoria*, Chapter One hundred and twenty-seven, shall continue in full Force as to every Case in which Proceedings shall have been commenced and shall be pending at the Time of the passing of this Act, notwithstanding the Period of Five Years limited by the same Act shall have expired.

Act not to interfere with Powers of 1 & 2 Vict. c. 106., &c.

XXXI. This Act shall not abridge or interfere with the Powers contained in the Act of the First and Second Years of Her present Majesty, Chapter One hundred and six, or in any other Act of Parliament now in force in regard to the Union of Benefices, but all such Powers and the Powers conferred by this Act may be exercised independently of one another or concurrently.

As to Nomination of Clerical Commissioners in certain Cases.

XXXII. Where the proposed Union is within the City of *Westminster*, One Clerical Commissioner shall be nominated by the Dean and Chapter of *Westminster*, instead of being nominated by the Dean and Chapter of *Saint Paul's*; and where the proposed Union is not within the City of *London* or the Liberties thereof, the Lay Commissioners shall be nominated to the Bishop by the Vestries of the Parishes respectively proposed to be affected by the Union, instead of being nominated by the Corporation of the City of *London*.

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A NNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

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the several Meanings hereby and in the recited Act assigned to them, unless there be something in the Subject or Context repugnant to such Construction; that is to say, the Word "Deed" and the Word "Conveyance" shall extend to and include original Charters, Charters and Writs and Procuratories of Resignation, Charters of Adjudication and Sale, Dispositions, Bonds and Dispositions in Security, Bonds of Annuity and of Annual Rent, and other Heritable Bonds, Feu Contracts, Contracts of Ground Annual, Decrees of Adjudication, Decrees of Sale, (whether such Decrees of Adjudication or Decrees of Sale contain Warrant for Infeftment or not), Decrees of Special Service, Precepts from Chancery, Precepts and Writs of Clare constat, Writs of Acknowledgment, Contracts of Excambion, and other Deeds and Decrees by which Lands are conveyed, or Rights in Lands, either absolute or redeemable or in Security, are constituted or conveyed; and official Extracts of any such Deeds, Conveyances, and Decrees, and all Codicils, Deeds of Nomination, Decrees of Declarator, and other Writings bearing Reference to Conveyances separately granted, and naming or appointing Persons to exercise or enjoy the Rights or Powers conferred by such Conveyances, shall be deemed and taken, for the Purposes of this Act, to be Parts of the Conveyances to which they separately bear reference; the Word "Lands" shall extend to and include all Heritable Subjects, Securities, and Rights; the Words "by Burgage Tenure" and the Words "held Burgage" shall extend to and include any Mode of Tenure known and effectual in Law similar to Burgage Tenure.

Instruments of Sasine, and of Resignation and Sasine, no longer necessary, and Conveyances may be recorded.

III. It shall not be necessary to expede and record an Instrument of Sasine, or of Resignation and Sasine, on any Conveyance of Lands held Burgage, according to the present Law and Practice; but it shall be competent and sufficient for the Person in whose Favour the Conveyance is granted, instead of expeding and recording such Instrument to record the Conveyance itself in the Register of Sasines applicable to the Lands therein contained; and the Conveyance shall be presented for Registration, with a Warrant of Registration thereon, in or as nearly as may be in the Form No. 1. of Schedule (A.) to this Act annexed, specifying the Person on whose Behalf it is presented, and signed by such Person, or his Agent; and such Conveyance, being so presented, and recorded along with such Warrant, shall have the same legal Force and Effect in all respects as if Resignation of such Lands had taken place in due Form, and as if the Conveyance had been followed by an Instrument of Sasine or of Resignation and Sasine duly expede and recorded at the Date of recording the Conveyance, according to the present Law and Practice, in favour of the

the Person on whose Behalf the Conveyance is presented for Registration.

IV. Where a Conveyance of Lands held Burgage is contained in a Deed granted for farther Purposes and Objects, such as a Marriage Contract, Deed of Trust, or Deed of Settlement, it shall not be necessary to record the whole of such Deed, but it shall be competent and sufficient to expede a Notarial Instrument, setting forth generally the Nature of the Deed, and containing at length those Portions of the Deed by which such Lands are conveyed, and by which Real Burdens, Conditions, or Limitations are imposed, and to record such Instrument in the appropriate Register of Sasines; and where a Deed conveys separate Lands, or separate Interests in the same Lands, to the same or different Persons, it shall not be necessary to record the whole of such Deed, but it shall be competent and sufficient to expede and record as aforesaid a Notarial Instrument, setting forth generally the Nature of the Deed, and containing at length the Part or Parts of the Deed by which particular Lands are conveyed to the Person in whose Favour the Notarial Instrument is expede, and the Part of the Deed which specifies the Nature and Extent of the Right and Interest of such Person, with the Real Burdens, Conditions, and Limitations, if any; and such Notarial Instrument shall be in or as nearly as may be in the Form of Schedule (B.) to this Act annexed.

Not necessary to record the whole Conveyance.

V. Immediately before the Testing Clause of any Conveyance of Lands held Burgage, it shall be competent to insert a Clause of Direction in or as nearly as may be in the Form of Schedule (C.) to this Act annexed, specifying the Part or Parts of the Conveyance which the Granter thereof desires to be recorded in the Register of Sasines, and when such Clause is so inserted, and Reference made thereto in the Warrant of Registration to be endorsed thereon in Terms of this Act, the Keeper of the appropriate Register of Sasines shall record such Part or Parts only, together with the Clause of Direction and the Testing Clause; and the recording of such Part or Parts of the Conveyance, together with the Clause of Direction and the Testing Clause, and the Warrant of Registration, as before provided, shall have the same legal Effect as if a Notarial Instrument, containing such Part or Parts of the Conveyance, had been duly expede and recorded in favour of the Person on whose Behalf the Conveyance is presented: Provided that, notwithstanding such Clause of Direction, it shall be competent for the Person entitled to present the Conveyance for Registration, to record the whole Conveyance, or to expede and record a Notarial Instrument, as herein-before provided, in

Clause directing Part of Conveyance to be recorded.

in the same Manner as if the Conveyance had contained no such Clause of Direction; and where a Notarial Instrument shall be expede, as herein-before provided, no Part or Parts of the Conveyance directed to be recorded shall be omitted from such Instrument.

Certain Clauses not necessary in Conveyances.

VI. It shall not be necessary to insert in any Conveyance of Lands held Burgage a Clause of Obligation to infeft, or a Procuratory or Clause of Resignation.

Heir in Burgage Subjects may make up Title by Writ of Clare Constat or by Special Service.

VII. It shall be competent for the Heir of any Person who died last vest and seised in any Lands held Burgage, to obtain from the Magistrates of the Burgh within which such Lands are situate a Writ of Clare constat in or as nearly as may be in the Form of Schedule (D.) to this Act annexed; or, in his Option, it shall be competent to such Heir to apply for and obtain Decree of Special Service by the Sheriff of Chancery, or by the Sheriff of the County within which such Burgh is situate, in the same Manner in all respects as if such Lands were not held Burgage; and such Writ of Clare constat or Decree of Special Service may be recorded in the appropriate Register of Sasines, and when so recorded, with Warrant of Registration thereon, shall have the same Effect in all respects as if Cognition and Entry of such Heir had taken place in due Form, and an Instrument of Cognition and Sasine in regard to such Lands, and in favour of such Heir, had been duly expede and recorded, according to the present Law and Practice.

Notarial Instruments in favour of General Disponees authorized.

VIII. When any Person shall have granted or shall grant a general Conveyance comprehending Lands held Burgage, whether by Deed *mortis causâ* or *inter vivos*, it shall be competent to the Disponee under such Conveyance, or to any other Person who shall have acquired Right to such Conveyance, in whole or in part, to expede and record as aforesaid a Notarial Instrument in or as nearly as may be in the Form of Schedule (E.) to this Act annexed; and such Notarial Instrument, being duly recorded in the appropriate Register of Sasines, shall be equivalent to an Instrument of Resignation and Sasine duly expede and recorded, following on a Disposition of the Lands and Resignation thereof in due Form; and when Heritable Securities are contained in such Notarial Instrument, the Instrument so expede and recorded shall, along with its Warrants, be equivalent to an Assignation of such Heritable Securities executed by the Granter of the general Conveyance, and duly recorded in the appropriate Register of Sasines: Provided that where such Notarial Instrument shall be expede by a Person other than the original Disponee under such general Conveyance, the Notarial Instrument shall set forth the

the Title, or Series of Titles, by which the Person in whose Favour the Instrument is expede acquired Right to such Conveyance, and the Nature and Extent of his Right.

Forms of Assignations to unrecorded Conveyances.

IX. It shall be competent to any Person, in right of an unrecorded Conveyance of Lands held Burgage, to assign the Conveyance in or as nearly as may be in the Form No. 1. of Schedule (F.) to this Act annexed, and the Assignation, or in the event of there being more than One, the successive Assignations, may be recorded in the appropriate Register of Sasines, along with the Conveyance itself, and a Warrant of Registration thereon, in or as nearly as may be in the Form No. 2. of Schedule (A.); and it shall be competent to write the Assignation or Assignations on the Conveyance itself in or as nearly as may be in the Form No. 2. of Schedule (F.), in which Case the Assignation or Assignations and the Conveyance may be recorded along with the Warrant of Registration thereon, which shall be in or as nearly as may be in the Form No. 1. of Schedule (A.); and the Conveyance, with the Warrant of Registration, and the Assignation or Assignations, separate from or written upon the Conveyance, being so recorded, shall operate in favour of the Assignee on whose Behalf they are presented for Registration, as fully and effectually as if the Lands contained in the Assignation, or, if there be more than One, in the last Assignation, had been disponed by the original Conveyance in favour of such Assignee, and the Conveyance, with the Warrant of Registration, had been recorded in the Manner herein-before provided of the Date of recording such Conveyance and Assignation or Assignations.

Notarial Instruments in favour of Persons acquiring Rights to unrecorded Conveyances authorized.

X. When any Person shall have acquired Right by General Conveyance, Service, Assignation, Adjudication, or otherwise, to an unrecorded Conveyance of Lands held Burgage, granted in favour of another Person, it shall be competent to such first-mentioned Person to expede, as aforesaid, a Notarial Instrument, in or as nearly as may be in the Form of Schedule (G.) to this Act annexed, setting forth the Conveyance and the Title or Series of Titles by which he acquired Right to the same, and the Nature and Extent of his Right, and to record the Conveyance along with the Notarial Instrument in the appropriate Register of Sasines; or where it is not desired to record the whole of the Conveyance, it shall be competent to expede, as aforesaid, a Notarial Instrument, in or as nearly as may be in the Form of Schedule (B.), setting forth generally the Nature of the Deed, and containing at length those Portions of the Deed by which the Lands in regard to which the said Instrument is expede are conveyed, and by which real Burdens, Conditions, or Limitations are imposed, and also setting forth the Title or Series of Titles

by which the Party acquired Right to the Conveyance, and the Nature and Extent of his Right; and to record such Notarial Instrument in the appropriate Register of Sasines; and the Conveyance, with a Warrant of Registration thereon, along with such Notarial Instrument in the Form of Schedule (G.), or such Notarial Instrument in the Form of Schedule (B.), being so recorded, shall be equivalent to a Conveyance in favour of the Person expeding the Instrument, duly recorded along with a Warrant of Registration in the Manner herein-before provided.

Destinations in Entails may be referred to.

XI. When any Lands held Burgage are or shall hereafter be held under a Deed of Entail, it shall not be necessary to repeat the Destination contained in such Entail at length in the Conveyances, Instruments of Sasine or of Resignation and Sasine or of Cognition and Sasine, Instruments of Cognition, Notarial Instruments, or other Deeds necessary to transmit, renew, or complete a Title under such Entail; but it shall be sufficient to refer to the Destination as set forth at full Length in the Deed of Entail recorded in the Register of Tailzies, if the same shall have been so recorded, or as set forth at full Length in any Conveyance, Instrument of Sasine, or of Resignation and Sasine, or of Cognition and Sasine, Instrument of Cognition, Notarial Instrument, or other Deed containing such Lands duly recorded in the appropriate Register of Sasines, and forming Part of the Progress of Title Deeds of the Lands comprehended under such Entail, such Reference being made in the Terms, or as nearly as may be in the Terms, set forth in No. 2. of Schedule (H.); and the Reference so made to such Destination shall be equivalent to the full Insertion thereof, and shall to all Intents and in all Questions whatever have the same legal Effect as if the Destination in the recorded Conveyance, Instrument, or other Deed referred to had been inserted at length, notwithstanding any Law or Practice to the contrary, or any Injunction to the contrary contained in such Deed of Entail, and notwithstanding any Enactments or Provisions to the contrary contained in any Act or Acts of Parliament now in force, all which are hereby repealed, so far as inconsistent herewith, but no farther.

Certain Clauses in Entails no longer necessary.

XII. When a Deed of Entail comprehending any Lands held Burgage contains an express Clause authorizing Registration of the Deed in the Register of Tailzies, it shall not be necessary to insert Clauses of Prohibition against Alienation, contracting Debt, and altering the Order of Succession, but such Clause of Registration shall have in every respect the same Operation and Effect as if such Clauses of Prohibition had been inserted according to the present Law

Law and Practice, and duly fenced with irritant and resolutive Clauses.

Recording of Conveyances in the Register of Sasines authorized.

XIII. All Conveyances, with Warrants of Registration written thereon, Instruments of Cognition, and other Notarial Instruments, hereby authorized to be recorded in the Register of Sasines, may be recorded at any Time in the Life of the Person on whose Behalf the same shall be presented for Registration, in the same Manner as Instruments of Sasine, or of Resignation and Sasine, or of Cognition and Sasine, and the Keepers of such Register are hereby authorized and required to record the same accordingly, when presented for that Purpose; and the Date of Entry in the Minute Book shall be held to be the Date of Registration; and the Date of Registration of all such Conveyances, Instruments of Cognition, and other Notarial Instruments, shall be equivalent to the Date of Registration of Instruments of Sasine, of Resignation and Sasine, and of Cognition and Sasine, according to the existing Law and Practice; and Extracts of all such Conveyances, Warrants of Registration, Instruments of Cognition, and other Notarial Instruments, so recorded, shall make Faith in all Cases as the recorded Conveyances, Warrants, and Instruments themselves would have done, except where any such Conveyance, Warrant, or Instrument so recorded shall be offered to be improven.

Present Forms of Conveyances may be used.

XIV. Nothing contained in this Act shall prevent the Constitution, Transmission, or Completion of Rights to Lands held Burgage by the Forms in use prior to the passing of this Act.

Mode of completing Title by a Trustee in Sequestration, and by Liquidators of Joint Stock Companies.

XV. It shall be competent to a Trustee on a sequestrated Estate, or to Liquidators, official or voluntary, appointed for the Purpose of winding up a Joint Stock Company, who shall desire to complete a Title to any Lands held Burgage, to expede, in the Manner aforesaid, a Notarial Instrument setting forth the Act and Warrant of Confirmation in favour of such Trustee, or the Appointment of such Liquidators, official or voluntary, respectively, and specifying the Lands belonging to the Bankrupt or Company to which a Title is to be completed, and the Title by which such Lands are held by the Bankrupt or Company, in or as nearly as may be in the Form of Schedule (I.) to this Act annexed, and to record such Notarial Instrument in the appropriate Register of Sasines; and such Notarial Instrument being so recorded shall be equivalent to an Instrument of Sasine or of Resignation and Sasine in favour of the Trustee or Liquidators, duly expede and recorded, following on a Conveyance by the

the Bankrupt or Company, and Resignation of the Lands in due Form; and when Heritable Securities are contained in such Notarial Instrument, the Instrument when recorded in the appropriate Register of Sasines shall, along with its Warrants, be equivalent to an Assignation of such Heritable Securities granted in favour of such Trustee by the Bankrupt, or in favour of such Liquidators by the Company, and duly recorded in the said Register.

Diligence against Apparent Heirs.

XVI. In Actions of Constitution and Adjudication against an Apparent Heir on account of his Ancestor's Debt or Obligation, for the Purpose of attaching Lands held Burgage, forming Part of the Ancestor's Heritable Estate, it shall not be necessary to raise separate Summonses of Constitution and Adjudication, but both Actions may be combined in One Summons, whether the Heir renounce the Succession or not; and Actions of Constitution, and Actions of Constitution and Adjudication, against an Apparent Heir, on account of his Ancestor's Debt or Obligation, for the Purpose of attaching the Ancestor's Heritable Estate, and Actions of Adjudication against such Heir on account of his own Debt or Obligation for the Purpose of attaching such Estate, may be insisted in at any Time after the Lapse of Six Months from the Date of his becoming Apparent Heir, any Law or Practice to the contrary notwithstanding; and in all such Cases a Decree of Adjudication shall be held equivalent to a Conveyance from such Ancestor of all Lands adjudged in favour of the Adjudger.

Obligations appointed to be inserted in Instruments of Sasine, &c, shall be inserted in Notarial Instruments.

XVII. When any Obligation, Burden, Condition, Qualification, or other Matter has been or shall be appointed to be inserted or referred to in the Instruments of Sasine, or of Resignation and Sasine, or of Cognition and Sasine, applicable to any Lands held Burgage, the same shall be inserted or referred to in any Instrument of Cognition or other Notarial Instrument applicable to such Lands to be expede in virtue of this Act.

Power to record Conveyance or Instrument of new with original or new Warrant of Registration.

XVIII. In case of any Error or Defect in any Notarial Instrument expede or to be expede in virtue of the Act of the Eighth and Ninth Years of the Reign of Her present Majesty, Chapter Thirty-one, or in the recording of any such Instrument, or of any Error or Defect in any Instrument of Cognition, or other Notarial Instrument, to be expede in virtue of this Act, or in the recording of any such Instrument, or in the recording of any Conveyance or Warrant of Registration, to be recorded in the Register of Sasines in virtue of this Act, it shall be competent of new to

to make and record a Notarial Instrument, or of new to record the Conveyance with the original, or a new Warrant of Registration, as the Case may require; and such new Notarial Instrument so expede and recorded, or such Conveyance so of new recorded with the original, or new Warrant of Registration, shall, from the Date of recording thereof, have the same Effect as if no previous Notarial Instrument had been expede or recorded, or as if such Conveyance and original Warrant of Registration had not been previously recorded.

Recorded Instruments not to be challenged on the ground of Erasures.

XIX. The Act of the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, Chapter Thirty-three, intituled *An Act to amend and regulate the Law of* Scotland *as to Erasures in Instruments of Sasine and of Resignation* ad remanentiam, shall extend and be applicable to Instruments of Cognition and Notarial Instruments authorized by this Act, and to Notarial Instruments expede and to be expede under the Act Eighth and Ninth *Victoria*, Chapter Thirty-one.

Deeds and Instruments may be partly written and partly printed or engraved.

XX. All Deeds, Writs, and Instruments whatever, mentioned or not mentioned in this Act, having a Testing Clause, may be partly written and partly printed or engraved: Provided that, in the Testing Clause, the Date, if any, and the Names and Designations of the Witnesses, and the Number of the Pages of the Deed, Writ, or Instrument, if the Number be specified, and the Name and Designation of the Writer of the written Portions of the Body of the Deed, Writ, or Instrument, and of the written Portions of the Testing Clause, shall be expressed at length in Writing; and such Deeds, Writs, and Instruments shall be as valid and effectual as if they had been wholly in Writing.

Fees of existing Town Clerks reserved; but no future Town Clerks to have Claims for Compensation for Loss of Fees, &c.

XXI. No Town Clerk of any Royal or other Burgh in *Scotland* who has been or shall be appointed subsequent to the Eighth Day of *March* One thousand eight hundred and sixty shall have any exclusive Right or Privilege of preparing or expeding any Conveyance, Instrument, or other Writ applicable to Land, or shall have any Right to Compensation in respect of any Alterations affecting the Rights, Duties, or Emoluments of Town Clerks, which may be made by this Act or any Act which may hereafter be passed: Provided always, that existing Town Clerks, whether sole or joint, who, according to the present Law and Practice, are exclusively entitled to prepare Instruments of Sasine or of Resignation and Sasine in Burgage Subjects, shall, each during the Period to which his Rights shall extend under any legal Appointment or Agreement existing at the foresaid Date, but no longer,

longer, be entitled to claim and receive from the Person presenting for Registration in the Burgh Register of Sasines kept by such Town Clerk any Conveyance, which, when recorded, will operate the Effect of a recorded Instrument of Sasine, or of Resignation and Sasine, such, but no other, Fees as he would have had Right to draw, and to appropriate to his own Use and Benefit, in respect of the Preparation and recording of the Instrument of Sasine or of Resignation and Sasine which, if this Act had not been passed, must have been recorded in the Burgh Register of Sasines, in order to operate the like Effect as the recording therein of such Conveyance; and the Person recording such Conveyance in the said Register of Sasines shall be bound to pay such, but no other, Fees to such Town Clerk in respect thereof: Provided always, that in estimating the said Fees such Instruments of Sasine or of Resignation and Sasine shall not be computed as of greater Length than the Writings actually recorded whereby such Instruments of Sasine or of Resignation and Sasine have been rendered unnecessary.

Provision for Lands held Burgage where no Burgh Register of Sasines is kept.

XXII. From and after the passing of this Act, and during the Period to which the Rights of any existing Town Clerk in any Burgh in which Lands are held Burgage, and no Register of Sasines is kept, extend under legal Appointment, and no longer, no Conveyance, Writ, or Instrument applicable to Lands in such Burgh held Burgage, and which under the Provisions of this Act shall come in place of any Writ or Instrument which such Town Clerk would by Law have been exclusively entitled to prepare had this Act not been passed, shall, as regards such Lands, be validly recorded in any Register of Sasines, unless the Warrant of Registration of such Conveyance, Writ, or Instrument shall be subscribed, or where no such Warrant is required, such Conveyance, Writ, or Instrument itself shall be subscribed or endorsed with the Signature of such Town Clerk, which Signature he shall be bound to attach or endorse on Receipt in respect thereof of One Half of the Fees which would have been chargeable by him for the Preparation of the Writ or Instrument which he would have been entitled to prepare as aforesaid, and of no other Fees; but if the said Conveyance, Writ, or Instrument be prepared by him, he shall not be entitled, in respect of his Signature as aforesaid, to any other beyond the ordinary Fees for preparing such Conveyance, Writ, or Instrument: Provided always, that in estimating the said Fees the said Writ or Instrument shall not be computed as of any greater Length than the Conveyance, Writ, or Instrument signed by such Town Clerk.

Provision for Lands in the Burgh

XXIII. All the Provisions of this Act applicable to Lands held by the ordinary Burgage Tenure shall be applicable also to Lands in the Burgh

Burgh of *Paisley* held by the peculiar Tenure of Booking; and all the Provisions of this Act applicable to Resignation, and to Instruments of Sasine, and of Resignation and Sasine, and of Cognition and Sasine, and Registers of Sasines, respectively, of Lands held Burgage shall be applicable also to Booking, and to Instruments of Resignation and Booking, and to Extract Bookings, and to the Register of Booking, respectively, of Lands in said Burgh of *Paisley* held by said Tenure of Booking: Provided always, that nothing in this Act contained shall prevent the Constitution, Transmission, or Completion of Rights to Lands held by the said Tenure of Booking by the Forms in use prior to the passing of this Act.

of Paisley held by Booking Tenure.

XXIV. It shall be lawful for the Court of Session from Time to Time to pass Acts of Sederunt fixing and regulating the Fees payable to Town Clerks and Keepers of Registers of Sasines for and with respect to all Instruments and Proceedings under this Act, and the recording of all Deeds and Instruments made and executed under the Provisions thereof; and the said Court may either make a general Table of Fees which shall be applicable to all the Burghs in *Scotland*, or may make special Tables of Fees which shall be applicable to any One or more of such Burghs, as they think fit; and the Tables of Fees applicable to each Burgh shall come into operation on the Death, Resignation, or Removal of the existing Town Clerk of such Burgh; and it shall not be lawful for any Town Clerk or the Keeper of the Register of Sasines of any Burgh who shall be appointed after the passing of this Act, to demand or receive any higher Fees for or in respect of any Instruments or Proceedings under this Act, or the recording of any Deeds or Instruments made and executed under the Provisions thereof, than the Fees specified in the Table which for the Time shall be applicable to such Burgh; and the said Court may meet for the Purpose of passing and pass such Acts of Sederunt either during Session or Vacation, and may from Time to Time repeal or alter such Acts and Tables of Fees: Provided, that all Acts of Sederunt passed under the Authority of this Act shall, within One Month after the Date thereof, be transmitted by the Lord President of the said Court to One of Her Majesty's Principal Secretaries of State, that the same may be laid before both Houses of Parliament.

Court of Session may fix and regulate Fees.

XXV. Every Deed containing a Clause of Direction in Terms of the recited Act or this Act, presented for Registration in any Register of Sasines, shall, if such Clause of Direction is intended to be acted on, bear express Reference thereto in the Warrant of Registration, if any, which, in Terms of the recited Act or this Act, is otherwise required to be endorsed on such Deed, or in a separate Warrant of Registration, in the Form as nearly as may be of the Schedule (K.) to this Act annexed; and in the Absence of such express

Clauses of Direction to be referred to in Warrants of Registration.

express Reference in such Warrant of Registration as aforesaid, such Deed shall be engrossed in the Register as if it had contained no Clause of Direction.

Official Acts of Town Clerks and Keepers of Registers of Sasines not to be affected by their personal Interest in recorded Writs.

XXVI. It shall be competent for the Town Clerk of any Burgh to expede and record, and for the Keeper of any Burgh or other Register of Sasines, Reversions, &c. to record, any Instrument of Sasine or of Cognition and Sasine, or any Notarial Instrument, or Conveyance or other Writ, in which such Town Clerk or Keeper may be personally interested, either individually or as Trustee for another or otherwise; and no Instrument of Sasine or of Cognition and Sasine, Notarial Instrument, Conveyance or other Writ, expede or recorded prior to the Date of the passing of this Act, or which may hereafter be expede or recorded, shall be challengeable or in any way affected by reason of personal Interest in the Town Clerk or Keeper of the Register by whom the same has been expede or recorded as aforesaid: Provided, that this Enactment shall not prejudice or affect any Action or Proceeding which may have been instituted prior to the passing of this Act.

Conditions of Entail, &c. may, in Excambions of Entailed Lands, be inserted by Reference merely.

XXVII. In Excambions of Entailed Lands, whether held Burgage or not, it shall not be necessary to insert at Length in the Conveyances of the Lands obtained in exchange for such Entailed Lands, or in the Instruments of Sasine, Notarial Instruments, or other Writs, which may follow upon such Conveyances, the Destination of Heirs, or the Conditions, Prohibitions, Declarations, Limitations, Restrictions, Clauses irritant and resolutive, or Clauses authorizing Registration in the Register of Tailzies, contained in such Deed of Entail, but in such Conveyances, and in all other Conveyances of Entailed Lands, and in all Notarial Instruments applicable thereto, it shall be competent and sufficient to refer to such Destination, and to such Conditions, Prohibitions, Declarations, Limitations, Restrictions, Clauses irritant and resolutive, and Clause authorizing Registration in the Register of Tailzies, as set forth in the Deed of Entail recorded in the Register of Tailzies, if the same shall have been so recorded, or as set forth in any Conveyance, Instrument of Sasine, or other Writ duly recorded in the appropriate Register of Sasines, and forming Part of the Progress of Title Deeds following on such Deed of Entail, such Reference being made as nearly as may be in the Terms set forth in Schedule (L.) to this Act annexed; and the Reference so made to such Destination, and to such Conditions, Prohibitions, Declarations, Limitations, Restrictions, Clauses irritant and resolutive, and Clause authorizing Registration in the Register of Tailzies, shall be equivalent to the full Insertion thereof, notwithstanding any Law or Practice to the contrary or any Injunction to the contrary contained in such Deed of Entail, or any Enactments or Provisions to the contrary contained in any

any Act of Parliament, all which are hereby repealed to the Extent of making this Enactment operative, but no further.

Debts affecting Lands exchanged for other Lands to affect such other Lands in lieu thereof.

XXVIII. When any Lands, whether held Burgage or not, disponed, under the Authority of an Act of Parliament, in excambion for other Lands, are burdened with Debts, the Lands so disponed shall, from and after the Date of Registration in the appropriate Register of Sasines of the Contract or Deed of Excambion of such Lands, be freed and disburdened of such Debts so far as previously affecting the same, and shall be burdened with the Debts, if any, which previously affected the Lands acquired in exchange for the same, in the Order of Preference in which such Debts were a Burden upon such last-mentioned Lands: Provided always, that before any such Excambion is authorized (in addition to such Procedure as may be prescribed by such Act) such Intimation as the Court of Session may consider necessary shall be made to all Creditors having Interest, and such Creditors shall be entitled to state any Objections thereto, of which the Court shall judge: Provided also, that in such Contract or Deed of Excambion, or in a Schedule subscribed as relative thereto, and declared to be Part thereof, and recorded therewith, there shall be set forth as to each of the said Debts the following Particulars; namely, the Amount of the Debt, the Date of recording the Writ by which its Constitution was originally published, the Register in which the same was so published, the Name and Designation of the original Creditor, and if the Debt has been transferred the Name and Designation of the Creditor understood to be in right thereof for the Time, and the Date of recording the Writ whereby his Right was published, and the Register in which the same was so published; provided further, that in such Contract or Deed of Excambion such Debts shall be expressly declared to burden the Lands to which the same are transferred as aforesaid.

Entailer's Debts, &c. may be charged on entailed Estate by Bond and Disposition in Security.

XXIX. In all Cases where there are or shall be Entailer's or other Debts or Sums of Money which might lawfully be made chargeable, by Adjudication or otherwise, upon the Fee of an Entailed Estate, the Heir of Entail in possession of such Estate for the Time being shall have all the like Powers of charging the Fee and Rents of such Estate, or any Portion thereof, other than the Mansion House, Offices, and Policies thereof, with such Debts or Sums of Money, and of granting, with the Authority of the Court of Session, Bonds and Dispositions in Security for the Amount of such Debts and Sums of Money, as by the Act Eleventh and Twelfth *Victoria*, Chapter Thirty-six, and the Act Sixteenth and Seventeenth *Victoria*, Chapter Ninety-four, are conferred with reference to Provisions to younger Children;

 and

and such Bonds and Dispositions in Security may be granted in favour of any Parties in the Right of such Debts or Sums of Money at the Date when such Bonds and Dispositions in Security are executed.

Short Clauses of Consent to Registration may be used in any Deed.

XXX. The short Clauses of Consent to Registration for Preservation, and for Preservation and Execution, set forth in the Schedule (A.) annexed to the Act Tenth and Eleventh *Victoria*, Chapter Forty-eight, shall, when occurring in any Deed or Writing whatever, have the like Meaning and Import as by the said Act is attributed to them when occurring in any Disposition, Conveyance, Deed, or Instrument referred to in the First Section of the said Act.

Real Burdens may be referred to as already in any Conveyance recorded in any Register of Sasines.

XXXI. With reference to the First Section of the "Titles to Land (*Scotland*) Act, 1858," it is declared and enacted, that in all and each of the Cases set forth in the Sixth Section of the Act Tenth and Eleventh *Victoria*, Chapter Forty-seven, or in the Fifth Section of the Act Tenth and Eleventh *Victoria*, Chapter Forty-eight, or in the Fourth Section of the Act Tenth and Eleventh *Victoria*, Chapter Forty-nine, or in the Fourth Section of the Act Tenth and Eleventh *Victoria*, Chapter Fifty, or in the Twenty-seventh Section of the Act Tenth and Eleventh *Victoria*, Chapter Fifty-one, it is and shall be lawful to refer, as in the said Acts of the Tenth and Eleventh *Victoria* is provided, to such Real Burdens or Conditions or Limitations as are therein specified, as set forth at full Length in any Conveyance or Notarial Instrument recorded in the appropriate Register of Sasines of the Lands to which such Burdens or Conditions or Limitations apply; and that such Reference is and shall be equivalent to the full Insertion in the Disposition, Conveyance, Procuratory, Charter, Precept of Clare constat, Decree of Adjudication, Instrument of Sasine, or other Deed or Instrument in which such Reference occurs of such real Burdens or Conditions or Limitations, and has and shall have all the legal Effects assigned by the said Provisions of the said Statutes, or any or either of them, to any Reference to such Real Burdens or Conditions or Limitations, as set forth at length in any recorded Instrument of Sasine, or recorded Instrument of Resignation *ad remanentiam*.

Extension of Provisions of 13 & 14 Vict. c. 13. to Trusts for the Maintenance of Churches, Schools, &c.

XXXII. The Provisions of the Act of the Thirteenth Year of *Victoria*, Chapter Thirteen, intituled *An Act to render more simple and effectual the Titles by which Congregations or Societies associated for Purposes of Religious Worship or Education in* Scotland *hold Real Property required for such Purposes*, shall apply to all Trusts for the Maintenance, Support, or Endowment of Ministers of Religion, Missionaries, or Schoolmasters, or for the Maintenance of the Fabric of Churches, Chapels, Meeting Houses, or other Places of Worship, or of Manses or Dwelling Houses or Offices

Offices for Ministers of the Gospel, or of Schoolhouses, or Schoolmasters Houses, or other like Buildings; and shall also apply to Feu Duties and other Heritable Property as well as to Lands and Houses and Money invested on Heritable Security; and it is hereby declared and enacted, that the Societies or Bodies of Men specified in the said Act include and shall be deemed to include the General Assemblies, Synods, and Presbyteries of the Established Church of *Scotland*, and of all other Presbyterian Churches in *Scotland*.

Recording Deed with Writ of Resignation thereon not to operate Sasine on such Deed.

XXXIII. The last Proviso to the Ninth Section of the "Titles to Land (*Scotland*) Act, 1858," expressed in the following Terms, *viz.*, "Provided always, that the recording of such Deed along "with such Writ shall have the Effect of an Instrument of Sasine "following on such Deed," is hereby repealed; and in lieu thereof, when a Deed which is the Warrant for Resignation, with a Writ of Resignation written thereon, has been or shall be recorded in the appropriate Register of Sasines, the recording of such Deed along with such Writ shall not have the Effect of an Instrument of Sasine following on such Deed.

Description of Lands contained in recorded Deeds may be inserted in subsequent Writs by Reference merely.

XXXIV. The Fifteenth Section of the recited Act is hereby repealed; and in lieu thereof be it enacted, That where any Lands held or not held Burgage have been particularly described in any prior Conveyance, Discharge, or other Deed or Instrument duly recorded in the appropriate Register of Sasines, it shall not be necessary in any subsequent Conveyance, Discharge, or other Deed or Instrument containing or referring to the whole or any Part of such Lands, to repeat the particular Description of the Lands at length, but it shall be sufficient to specify the Name of the County, and, where the Lands are held Burgage, the Name of the Burgh and County in which they are situated, and to refer to the particular Description contained in the prior Conveyance, Discharge, or other Deed or Instrument so recorded, in or as nearly as may be in the Manner set forth in No. 1. of Schedule (H.) to this Act annexed; and the Specification and Reference so made shall be held to be equivalent to the full Insertion of the particular Description contained in such prior Conveyance, Discharge, or other Deed or Instrument so recorded, and shall have the same Effect as if the particular Description had been inserted exactly as it is set forth in such prior Conveyance, Discharge, or other Deed or Instrument.

Conveyances and Instruments may be recorded of new.

XXXV. The Thirty-first Section of the "Titles to Land (*Scotland*) Act, 1858," is hereby repealed; and in lieu thereof be it enacted, That in case of any Error or Defect in any Notarial Instrument expede or to be expede in virtue of the said Act, or of the Act Eighth and Ninth *Victoria*, Chapter Thirty-one, or in the recording of

of any such Instrument, or of any Instrument of Resignation ad remanentiam, or in the recording of any Conveyance, or Procuratory of Resignation *ad remanentiam*, or Warrant of Registration, recorded or to be recorded in the Register of Sasines in virtue of the said Titles to Land Act, it shall be competent of new to make and record a Notarial Instrument, or Instrument of Resignation, or of new to record the Conveyance, or Procuratory of Resignation, with the original or a new Warrant of Registration, as the Case may require; and such new Notarial Instrument or Instrument of Resignation, so expede and recorded, or such Conveyance or Procuratory of Resignation, so of new recorded, with the original or new Warrant of Registration, as the Case may require, shall, from the Date of recording thereof, have the same Effect as if no previous Notarial Instrument or Instrument of Resignation had been expede or recorded, or as if such Conveyance, or Procuratory of Resignation, and original Warrant of Registration had not been previously recorded.

Meaning of certain Words in Titles to Land Act, 1858, declared.

XXXVI. The Words "to be holden in the same Manner in which "the Grantor of the Conveyance held or might have held the same," in the Fifth Section of the "Titles to Land (*Scotland*) Act, 1858," and the Words of the same or similar Import in the Twelfth, Twenty-first, Twenty-second, and Twenty-seventh Sections of the said Act relative to the Manner in which the Lands mentioned in the said Sections are to be held, are hereby declared and shall be construed to mean that the Lands are to be held *a me vel de me*, where the Investiture of Lands contains no Prohibition against Subinfeudation or against an alternative holding, and *a me* only where the Investiture contains such Prohibition: Provided always, that where the Investiture contains such Prohibition, the Conveyance or Instrument shall, if an Entry in the Lands therein specified or thereby conveyed be expede with the Superior within Twelve Months from the Date of such Conveyance or Instrument, have the same Preference in all respects from the Date of recording in the appropriate Register of Sasines the Conveyance or Instrument, as if the same contained an *a me vel de me* Holding, and the Investiture did not contain any Prohibition against Subinfeudation or against an alternative Holding.

Amendment of Sect. 33. of "Titles to Land (Scotland) Act, 1858."

XXXVII. The Thirty-third Section of the Titles to Land (*Scotland*) Act, 1858, shall be read and construed as if the Word "Resignation" were substituted for the Word "Registration" occurring in the said Section.

Mode of completing Title by a Judicial Factor on

XXXVIII. Where a Judicial Factor shall apply by Petition for Authority to complete a Title to any Lands held or not held Burgage forming Part of the Estate under his Management, and where the

the Petition shall specify the Lands to which such Title is to be completed, the Warrant granted for completing such Title shall also specify the Lands to which such Title is to be completed, and such Warrant shall be held to be a Disposition of the Lands, and an Assignation of any Heritable Securities contained in such Warrant in due and usual Form, in favour of such Judicial Factor by the Person, whether in Life or deceased, whose Estate is under Judicial Management, and, where such Judicial Factor has been appointed on a Trust Estate which shall have been vested in a Trustee or former Judicial Factor by such Trustee or former Factor, whether in Life or deceased, for the Purposes of such Trust: Provided always, that for enabling the Person in whom such Lands were last vested, or his Representatives, or other Parties interested, to bring forward competent Objections against such Warrant being granted, or Claims upon the Estate, the Court shall order such Intimation and Service of the Petition as to them shall seem proper.

a Trust Estate, &c.

XXXIX. Charters of Resignation or Adjudication or Sale shall operate as a Confirmation of the whole Deeds and Instruments necessary to be confirmed in order to complete the Investiture of the Party in whose Favour such Charter may be or may have been granted.

All Charters or Writs of Resignation to operate Confirmation.

XL. Writs of Confirmation and Writs of Resignation and Writs of Clare constat granted in Terms of the Titles to Land (*Scotland*) Act, 1858, by Subjects Superiors, shall be authenticated in the Form required by the Law of *Scotland* in the Case of ordinary Deeds.

Writs of Confirmation, &c. by Subjects Superiors to be tested.

XLI. The Stamp Duty chargeable on Writs of Confirmation, Writs of Resignation, Writs of Clare constat, and Writs of Investiture, granted or to be granted in virtue of the said Act, and on Writs of Acknowledgment under "The Registration of Leases (*Scotland*) Act," shall be the same as that now chargeable on Charters of Confirmation, Charters of Resignation, and Precepts of Clare constat.

Stamp Duty on Writs of Confirmation, &c.

XLII. The Fees to be drawn from and after the passing of this Act in the Office of the Register of Deeds, Probative Writs, and Protests shall be applied in the first instance to Payment of the Principal Keeper to the Extent of a Sum of Five hundred Pounds annually, and of each of the Two Assistant Keepers to the Extent of Three hundred and fifty Pounds annually, and any Surplus of the said Fees shall be disposed of according to the existing Law and Practice.

Application of Fees.

XLIII. This Act shall take effect from and after the First Day of *October* One thousand eight hundred and sixty.

Commencement of Act.

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

No. 1.

Warrant of Registration to be written on a Conveyance when presented without Assignation apart or Notarial Instrument.

REGISTER on behalf of *A.B.* (*insert Designation*) [*or* Register, *&c.*, along with Assignation (*or* Assignations) hereon] (*or otherwise, as the Case may be*).

(Signed) *A.B.*

[*or*] *C.D.*, W.S., Edinburgh,

[*or, as the Case may be,*] Agent of the said *A.B.*

No. 2.

Warrant of Registration to be written on a Conveyance when presented with Assignation apart or Notarial Instrument.

REGISTER on behalf of *A.B.* (*insert Designation*) along with the Assignation [*or* Assignations *or* Notarial Instrument] docqueted with reference hereto (*or otherwise, as the Case may be*).

(Signed) *A.B.*

[*or*] *C.D.*, W.S., Edinburgh,

[*or, as the Case may be,*] Agent of the said *A.B.*

SCHEDULE (B.)

Notarial Instrument in favour of Disponee or his Assignee, &c.

AT there was by [*or* on behalf] of *A.B.* of *Z.* Esquire, presented to me, Notary Public subscribing, a Disposition [*or other Deed, or* an Extract of a Deed, *as the Case may be*], granted by *C.D.* of *Y.* Esquire, and bearing Date [*insert the Date*], by which Disposition the said *C.D.* sold, alienated, and disponed to the said *A.B.* [*or* gave, granted, and disponed, *or otherwise, as the Case may be,* to the said *A.B.*] [*or* to *E.F.*], and his Heirs and Assignees [*insert the Destination, if any, so far as may be necessary*], heritably and irredeemably [*or* redeemably, *or* in Liferent, *or otherwise, as the Case may be,*] all and whole [*insert the Description of the Subjects conveyed; and if the Deed be granted under the Burden of a Real Lien or*

or Servitude, or any other Incumbrance, Condition, or Qualification of the Right, or under Redemption, add here], but always under the Burden of a Real Lien, *&c.* [*as the Case may be*]. [*If the Person expeding the Instrument be other than the original Disponee, add*] As also there was presented to me [*here specify the Title or Series of Titles by which such Person acquired Right, and the Nature and Extent of his Right*]. Whereupon this Instrument is taken in my Hands, in Terms of The Titles to Land (Scotland) Act, 1860. In witness whereof [*insert a Testing Clause, as in Instrument of Resignation and Sasine authorized by the Act* 10 & 11 *Vict., Cap.* 49.]

I.K., Witness. (Signed) *G.H.*
L.M., Witness. Notary Public.

SCHEDULE (C.)

Clause of Direction specifying Part of Deed which Granter desires to be recorded.

AND I direct to be recorded in the Register of Sasines the Part of this Deed from its Commencement to the Words (*insert Words*) on the Line of the Page [and also the Part from the Words (*insert Words*) on the Line of the Page to the Words (*insert Words*) on the Line of the Page] [*or* I direct the whole of this Deed to be recorded in the Register of Sasines with the Exception of the Part] [*or* Parts, *as the Case may be, specifying the Part or Parts excepted, as above.*]

SCHEDULE (D.)

Writ of Clare constat in Burgage Subjects.

WE [*specify Granters*]. Whereas it clearly appears that *C.D.*, [*insert Name and Designation of the Ancestor*] died last vest and seised in [*describe Lands; and then insert any necessary Clauses as in Writs of Clare constat applicable to feudal Property*]; and that conform to Instrument of Cognition and Sasine [*or as the Case may be*] in favour of the said *C.D.*, recorded in the Register of Sasines of [*insert the Title of the Register*], the Day of in the Year . And that *A.B.* [*insert Name and Designation of Heir*] is eldest Son and nearest and lawful Heir of the said *C.D.* [*or as the Case may be*]. Therefore we hereby declare the said *A.B.* to have Right to the said Lands as Heir foresaid. In witness whereof [*to be tested and signed in common Form*].

SCHEDULE (E.)

Notarial Instrument in favour of a general Disponee, or his Assignee, &c.

AT there was by [*or* on behalf of] *A.B.* of *Z*, presented to me, Notary Public subscribing, a Disposition [*or other Deed or Instrument*], recorded in the [*specify Register of Sasines and Date of recording*], by which recorded Disposition [*or other Deed or Instrument*] *C.D.* of *Y.* was vested in all and whole [*describe the*

the Lands or other Subjects, as the Case may be]; as also there was presented to me a general Disposition [*or other Deed, or an Extract of a Deed*], granted by the said *C.D.*, and bearing Date [*insert Date*], by which general Disposition the said *C.D.* gave, granted, and disponed [*or otherwise, as the Case may be,*] to the said *A.B.*, and his Heirs and Assignees, [*or otherwise, as the Case may be*], heritably and irredeemably [*or* in Life-Rent, *or otherwise, as the Case may be*], all and sundry the whole Heritable Estate of which he was [*or* might die] possessed. [*If the Deed be granted under any Real Burden, or Condition or Qualification, add here,* but always under the Burden of the Real Lien, &c.; *and if the Deed be granted in trust, or for specific Purposes, add,* but always in trust *or* for the Uses and Purposes mentioned in said Deed. *If the Person expeding the Instrument be other than the original Disponee, add,* as also there was presented to me (*specify the Title or Series of Titles by which such Person acquired Right, and the Nature and Extent of his Right.*)] Whereupon, *&c., as in Schedule* (*B.*)

SCHEDULE (F.)

No. 1.

Assignation of an unrecorded Conveyance.

I *A.B.*, in consideration of, *&c.* [*or otherwise, as the Case may be*], hereby assign to *C.D.* and his Heirs and Assignees [*or otherwise, as the Case may be*], the Disposition [*or other Deed, specifying the Nature of the Deed,*] granted by *E.F.*, dated, *&c.*, by which he conveyed the Lands of *X.*, as therein described, to me [*or otherwise, as the Case may be, specifying the connecting Title, and the Nature and Extent of the Right conveyed. State the Term of the Assignee's Entry; and other Particulars, if any, ought to be specified*]. In witness whereof [*insert a Testing Clause in the usual Form*].

No. 2.

Assignation of an unrecorded Conveyance written upon the Conveyance.

I, *A.B.*, in consideration of, *&c.* [*or otherwise, as the Case may be*], hereby assign to *C.D.* and his Heirs and Assignees [*or otherwise, as the Case may be*], the foregoing Disposition of the Lands of *X.*, as therein described, granted in my Favour [*or otherwise, as the Case may be, specifying the connecting Title, and the Nature and Extent of the Right conveyed. State the Term of the Assignee's Entry; and other Particulars, if any, ought to be specified*]. In witness whereof [*insert a Testing Clause in the usual Form*].

SCHE-

SCHEDULE (G.)

Notarial Instrument in favour of an Assignee to an unrecorded Conveyance to be recorded along with the Conveyance.

AT there was by [*or* on behalf of] *A.B.* of *Z.*, presented to me, Notary Public subscribing, a Disposition [*or other Deed, as the Case may be, specifying the Nature of the Deed*], granted by *C.D.* of *Y.*, and bearing Date [*insert Date*]; by which Disposition the said *C.D.* conveyed to *E.F.* the Lands of *X.*, as therein described, and which Disposition is to be recorded along with this Instrument; as also there was presented to me [*specify the Title or Series of Titles by which A.B. acquired Right, and the Nature and Extent of his Right*]. Whereupon, *&c., as in Schedule (B.)*

(Signed) *G.H.*,
Notary Public.

I.K., Witness.
L.M., Witness.

SCHEDULE (H.)

No. 1.

Clause of Reference to particular Description contained in a prior Deed.

The Lands [*or* Subjects] and others [*or* the Lands delineated and coloured on a Copy of the Ordnance Survey Map hereto annexed, and signed as relative hereto,] [*or* the Lands of *A.* and others,] [*or* the House No. 10, Street, and others,] [*or other like short Description,*] in the County of , [*or* in the Burgh of and County of *as the Case may be*], being the Lands [*or* Subjects] particularly described in the Disposition [*or other Deed, as the Case may be,*] granted by *C.D.*, and bearing Date [*insert Date*], and recorded in the [*specify Register of Sasines*] on the Day of in the Year , [*or* as particularly described in the Instrument of Sasine or Notarial Instrument recorded, *&c., or as the Case may be*]. [*If Part only of Lands is conveyed, describe such Part as above, and add,* being Part of the Lands particularly described, *&c.; or thus,* being the Lands [*or* Subjects] as particularly described, *&c.*, with the Exception of, *and describe the Part excepted*].

No. 2.

Clause of Reference to Destinations in Entails.

[*After inserting such Part of the Destination as may be thought necessary, add*] and to the other Heirs specified and contained in a Disposition and Deed of Entail of the said Lands executed by the Deceased *E.F.*, bearing Date the Day of in the Year , and recorded in the Register of Tailzies on the Day of in the Year , [*or* in the said Disposition and Deed of Entail dated

dated and recorded as aforesaid, *or* in a Deed [*or* Instrument] recorded [*specify Register of Sasines*] upon the Day of in the Year

SCHEDULE (I.)

Notarial Instrument in favour of a Trustee in a Sequestration, or of Liquidators of Joint Stock Companies.

AT there was, by [*or* on behalf of] *A.B.*, as Trustee on the sequestrated Estate of *C.D.*, [*or* as Liquidator for winding up the (*specify Name of Company*)], presented to me, Notary Public subscribing, a Disposition [*or other Deed or Instrument*] [*insert Date*] recorded in the [*specify Register and Date of recording*], by which [*&c. specify the Title or Series of Titles by which the Bankrupt held the Lands*]; as also there was presented to me an Extract Act and Warrant of Confirmation in favour of thesaid *A.B.*, dated [*insert Date*] [*or here specify the Appointment of the Liquidator or Liquidators, and the Date thereof*]. Whereupon, *&c., as in Schedule (B.)*

SCHEDULE (K.)

REGISTER, in Terms of Clause of Direction, on behalf of *A. B.* [*insert Designation, and, where necessary, add* along with Assignation hereon (*or* Assignations hereon) (*or* Writ of Resignation hereon) (*or* the Assignation *or* Assignations *or* Notarial Instrument docqueted with reference hereto) (*or otherwise, as the Case may be*)].

(Signed) *A.B.*

[*or, C.D.*, W.S., Edinburgh,]

[*or, as the Case may be*] Agent of the said *A.B.*

SCHEDULE (L.)

Clause of Reference to Conditions of Entail, &c.

[*After the Description of the Lands insert*] But always with and under the Conditions, Prohibitions, Declarations, Limitations, and Restrictions, and Clauses irritant and resolutive, [*or* Clause authorizing Registration in the Register of Tailzies, *as the Case may be,*] contained in a Disposition and Deed of Entail of the Lands of *X.* [*specify leading Name merely*], and others, executed by the Deceased *E.F.*, bearing Date the Day of in the Year and recorded in the Register of Tailzies on the Day of in the Year [*or* in the said Disposition and Deed of Entail dated and recorded as aforesaid] [*or* in (*specify Writ*) recorded in the General Register of Sasines (*or as the Case may be*) upon the Day of in the Year]

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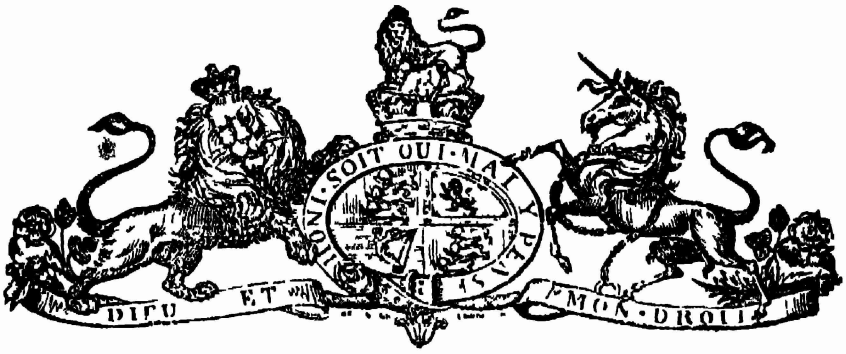

ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

***

Judge may direct any Matter to be heard by the full Court.

Appeal to the full Court.

II. Provided always, That the Judge Ordinary may, where he shall deem it expedient, direct that any such Matter as aforesaid shall be heard and determined by the full Court; and in addition to the Cases in which an Appeal to the full Court now lies from the Decision of the Judge Ordinary, either Party dissatisfied with the Decision of such Judge sitting alone in granting or refusing any Application for a new Trial which by virtue of this Act he is empowered to hear and determine may, within Fourteen Days after the pronouncing thereof, appeal to the full Court, whose Decision shall be final.

Appeal to the House of Lords.

III. Where there is a Right of Appeal to the House of Lords from the Decision of the full Court there shall be the like Right of Appeal to the said House from the Decision of the Judge Ordinary alone, or with any other Judge, under this Act.

Regulation of the Sittings of the full Court.

IV. The Sittings of the full Court shall be holden during the Seventh and Five following Days of Sitting in each Term, and on such other Days as the Judge Ordinary, with the Assent of the Lord Chief Justice of the Court of Queen's Bench, the Lord Chief Justice of the Court of Common Pleas, and the Lord Chief Baron of the Court of Exchequer, shall from Time to Time appoint; and the Judges of the Courts of Queen's Bench, Common Pleas, and Exchequer shall, by a Rota or otherwise, as they deem most convenient, make Provision for the Attendance of the requisite Number of such Judges to make with the Judge Ordinary a full Court during such Sittings; and Section Two of the Act of the last Session of Parliament, Chapter Sixty-one, shall be repealed.

22 & 23 Vict. c. 61. s. 2. repealed.

Court may, where One Party only appears, require Counsel to be appointed to argue on the other Side.

V. In every Case of a Petition for a Dissolution of Marriage it shall be lawful for the Court, if it shall see fit, to direct all necessary Papers in the Matter to be sent to Her Majesty's Proctor, who shall, under the Directions of the Attorney General, instruct Counsel to argue before the Court any Question in relation to such Matter, and which the Court may deem it necessary or expedient to have fully argued; and Her Majesty's Proctor shall be entitled to charge and be reimbursed the Costs of such Proceeding as Part of the Expense of his Office.

20 & 21 Vict. c. 85. s. 45. amended.

VI. And whereas by Section Forty-five of the Act of the Session holden in the Twentieth and Twenty-first Years of Her Majesty, Chapter Eighty-five, it was enacted, that "In any Case in which the Court "should pronounce a Sentence of Divorce or Judicial Separation for "Adultery of the Wife, if it should be made appear to the Court that "the Wife was entitled to any Property, either in possession or "reversion,

" reversion, it should be lawful for the Court, if it should think " proper, to order such Settlement as it should think reasonable to " be made of such Property, or any Part thereof, for the Benefit of " the innocent Party and of the Children of the Marriage, or either " of them:" Be it further enacted, That any Instrument executed pursuant to any Order of the Court made under the said Enactment before or after the passing of this Act, at the Time of or after the pronouncing of a final Decree of Divorce or Judicial Separation, shall be deemed valid and effectual in the Law, notwithstanding the Existence of the Disability of Coverture at the Time of the Execution thereof.

Decrees.

VII. Every Decree for a Divorce shall in the first instance be a Decree Nisi, not to be made absolute till after the Expiration of such Time, not less than Three Months from the pronouncing thereof, as the Court shall by General or Special Order from Time to Time direct; and during that Period any Person shall be at liberty, in such Manner as the Court shall by General or Special Order in that Behalf from Time to Time direct, to show Cause why the said Decree should not be made absolute by reason of the same having been obtained by Collusion or by reason of material Facts not brought before the Court; and, on Cause being so shown, the Court shall deal with the Case by making the Decree absolute, or by reversing the Decree Nisi, or by requiring further Inquiry, or otherwise as Justice may require; and at any Time during the Progress of the Cause or before the Decree is made absolute any Person may give Information to Her Majesty's Proctor of any Matter material to the due Decision of the Case, who may thereupon take such Steps as the Attorney General may deem necessary or expedient; and if from any such Information or otherwise the said Proctor shall suspect that any Parties to the Suit are or have been acting in collusion for the Purpose of obtaining a Divorce contrary to the Justice of the Case, he may, under the Direction of the Attorney General, and by Leave of the Court, intervene in the Suit, alleging such Case of Collusion, and retain Counsel and subpœna Witnesses to prove it; and it shall be lawful for the Court to order the Costs of such Counsel and Witnesses, and otherwise, arising from such Intervention, to be paid by the Parties or such of them as it shall see fit, including a Wife if she have separate Property; and in case the said Proctor shall not thereby be fully satisfied his reasonable Costs, he shall be entitled to charge and be reimbursed the Difference as Part of the Expense of his Office.

Collusion.

VIII. This

Continuance of Act.

VIII. This Act shall continue in force until the Thirty-first Day of *July* One thousand eight hundred and sixty-two, and no longer.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1860.

ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

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CAP. CXLV.

An Act to give to Trustees, Mortgagees, and others certain Powers now commonly inserted in Settlements, Mortgages, and Wills.

[28th *August* 1860.]

WHEREAS it is expedient that certain Powers and Provisions which it is now usual to insert in Settlements, Mortgages, Wills, and other Instruments should be made incident to the Estates of the Persons interested, so as to dispense with the Necessity of inserting the same in Terms in every such Instrument: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

PART I.

Powers of Trustees for Sale, &c., and Trustees of renewable Leaseholds.

I. In all Cases where by any Will, Deed, or other Instrument of Settlement it is expressly declared that Trustees or other Persons therein named or indicated shall have a Power of Sale, either generally, or in any particular Event, over any Hereditaments named or referred to in or from Time to Time subject to

Trustees empowered to sell may sell in Lots, and either by Auction or private Contract.

to the Uses or Trusts of such Will, Deed, or other Instrument, it shall be lawful for such Trustees or other Persons, whether such Hereditaments be vested in them or not, to exercise such Power of Sale by selling such Hereditaments, either together or in Lots, and either by Auction or private Contract, and either at One Time or at several Times, and (in case the Power shall expressly authorize an Exchange) to exchange any Hereditaments which for the Time being shall be subject to the Uses or Trusts aforesaid for any other Hereditaments in *England* or *Wales* or in *Ireland* (as the Case may be), and upon such Exchange to give or receive any Money for Equality of Exchange.

Sale may be made under special Conditions, and Trustees may buy in, &c.

II. It shall be lawful for the Persons making any such Sale or Exchange to insert any such special or other Stipulations, either as to Title or Evidence of Title, or otherwise, in any Conditions of Sale, or Contract for Sale or Exchange, as they shall think fit, and also to buy in the Hereditaments or any Part thereof at any Sale by Auction, and to rescind or vary any Contract for Sale or Exchange, and to re-sell the Hereditaments which shall be so bought in, or as to which the Contract shall be so rescinded, without being responsible for any Loss which may be occasioned thereby, and no Purchaser under any such Sale shall be bound to inquire whether the Persons making the same may or may not have in contemplation any particular Re-investment of the Purchase Money in the Purchase of any other Hereditaments or otherwise.

Trustees exercising Power of Sale, &c. empowered to convey.

III. For the Purpose of completing any such Sale or Exchange as aforesaid, the Persons empowered to sell or exchange as aforesaid shall have full Power to convey or otherwise dispose of the Hereditaments in question, either by way of Revocation and Appointment of the Use, or otherwise, as may be necessary.

Moneys arising from Sales, &c. to be laid out in other Lands;

IV. The Money so received upon any such Sale or for Equality of Exchange as aforesaid shall be laid out in the Manner indicated in that Behalf in the Will, Deed, or Instrument containing the Power of Sale or Exchange, or if no such Indication be therein contained as to all or any Part of such Money, then the same shall with all convenient Speed be laid out in the Purchase of other Hereditaments in Fee Simple in possession to be situate in *England* or *Wales* or in *Ireland* (as the Case may be), or of Lands of a Leasehold or Copyhold or Customary Tenure which, in the Opinion of the Persons making the Purchase, are convenient to be held therewith or with any other Hereditaments for the Time being, subject to the subsisting Uses or Trusts of the same Will, Deed, or other Instrument of Settlement in which

which the Power of Sale or Exchange was contained; and all such Hereditaments so to be purchased or taken in Exchange as aforesaid as shall be Freeholds of Inheritance shall be settled and assured to the Uses, upon and for the Trusts, Intents, and Purposes, and with, under, and subject to the Powers, Provisoes, and Declarations, to which the Hereditaments sold or given in Exchange were or would have been subject, or as near thereto as the Deaths of Parties and other intervening Accidents will admit of, but not so as to increase or multiply Charges; and all such Hereditaments so to be purchased or taken in Exchange as aforesaid as shall be of Leasehold or Copyhold or Customary Tenure shall be settled and assured upon and for such Trusts, Intents, and Purposes, and with, under, and subject to such Powers, Provisoes, and Declarations, as shall as nearly as may be correspond with and be similar to the aforesaid Uses, Trusts, Intents, and Purposes, Powers, Provisoes, and Declarations, but not so as to increase or multiply Charges, and so that if any of the Hereditaments so to be purchased shall be held by Lease for Years the same shall not vest absolutely in any Tenant in Tail by Purchase who shall not attain the Age of Twenty-one Years; and any such Purchase as aforesaid may be made subject to any special Conditions as to Title or otherwise: Provided that no Leasehold Tenement shall be purchased under the Powers hereinbefore contained which is held for a less Period than Sixty Years.

or in Payment of Incumbrances.

V. Provided nevertheless, That it shall be lawful for the Persons exercising any such Power as aforesaid, if they shall think fit, to apply any Money to be received upon any Sale or for Equality of Exchange as aforesaid, or any Part thereof, in lieu of purchasing Lands therewith, in or towards paying off or discharging any Mortgage or other Charge or Incumbrance which shall or may affect all or any of the Hereditaments which shall then be subject to the same Uses or Trusts as those to which the Hereditaments sold or given in Exchange were or was subject.

Money arising from Sales, &c. not to be laid out, nor Lands exchanged, elsewhere than in the Country in which Lands sold or exchanged is situated.

VI. No Money arising from any such Sale or Exchange of Lands or Hereditaments in *England* or *Wales* shall be laid out in the Purchase of Lands or Hereditaments situate elsewhere than in *England* or *Wales*, and no Lands situate in *England* or *Wales* shall, under any such Power as aforesaid, be exchanged for any Lands or Hereditaments situate elsewhere than in *England* or *Wales*; and no Money arising from any such Sale or Exchange of Lands in *Ireland* shall be laid out in the Purchase of Lands or Hereditaments situate elsewhere than in *Ireland*, and no Lands or Hereditaments situate in *Ireland* shall, under any such Power as aforesaid, be exchanged for any Lands or Hereditaments situate elsewhere than in *Ireland*.

VII. Until

Until Purchase of Lands, &c., Money to be invested at Interest.

VII. Until the Money to be received upon any Sale or for Equality of Exchange as aforesaid shall be disposed of in the Manner herein mentioned, the same shall be invested at Interest for the Benefit of the same Parties who would be entitled to the Hereditaments to be purchased therewith as aforesaid, and the Rents and Profits thereof in case such Purchase and Settlement as aforesaid were then actually made.

Trustees of renewable Leaseholds may renew.

VIII. It shall be lawful for any Trustees of any Leaseholds for Lives or Years which are renewable from Time to Time, either under any Covenant or Contract or by Custom or usual Practice, if they shall in their Discretion think fit, and it shall be the Duty of such Trustees, if thereunto required by any Person having any beneficial Interest, present or future or contingent, in such Leaseholds, to use their best Endeavours to obtain from Time to Time a renewed Lease of the same Hereditaments on the accustomed and reasonable Terms, and for that Purpose it shall be lawful for any such Trustees from Time to Time to make or concur in making such Surrender of the Lease for the Time being subsisting, and to do all such other Acts as shall be requisite in that Behalf; but this Section is not to apply to any Case where by the Terms of the Settlement or Will the Person in possession for his Life or other limited Interest is entitled to enjoy the same without any Obligation to renew the Lease or to contribute to the Expense of renewing the same.

Money for Equality of Exchange and for Renewal of Leases may be raised by Mortgage, &c.

IX. In case any Money shall be required for the Purpose of paying for Equality of Exchange as aforesaid, or for Renewal of any Lease as aforesaid, it shall be lawful for the Persons effecting such Exchange or Renewal to pay the same out of any Money which may then be in their Hands in trust for the Persons beneficially interested in the Lands to be taken in Exchange, or comprised in the renewed Lease, whether arising by any of the Ways and Means herein-before mentioned or otherwise, and notwithstanding the Provisions for the Application of Money arising from Sales or Exchanges herein-before contained; and if they shall not have in their Hands as aforesaid sufficient Money for the Purposes aforesaid, it shall be lawful for such Persons to raise the Money required by Mortgage of the Hereditaments to be received in Exchange or contained in the renewed Lease (as the Case may be), or of any other Hereditaments for the Time being subject to the subsisting Uses or Trusts to which the Hereditaments taken in Exchange or comprised in the renewed Lease (as the Case may be) shall be subject, and for the Purpose of effecting such Mortgage such Persons shall have the same Powers of conveying or otherwise assuring as are herein contained with reference to a Conveyance on Sale; and no Mortgagee advancing

advancing Money upon such Mortgage purporting to be made under this Power shall be bound to see that such Money is wanted, or that no more is raised than is wanted for the Purposes aforesaid.

No Sale, &c. to be made without Consent of Tenant for Life, &c.

X. No such Sale or Exchange as aforesaid, and no Purchase of Hereditaments out of Money received on any such Sale or Exchange as aforesaid, shall be made without the Consent of the Person appointed to consent by the Will, Deed, or other Instrument, or if no such Person be appointed, then of the Person entitled in possession to the Receipt of the Rents and Profits of such Hereditaments, if there be such a Person under no Disability; but this Clause shall not be taken to require the Consent of any Person where it appears from the Will, Deed, or other Instrument to have been intended that such Sale, Exchange, or Purchase should be made by the Person or Persons making the same without the Consent of any other Person.

PART II.

Powers of Mortgagees.

Powers incident to Mortgages.

XI. Where any Principal Money is secured or charged by Deed on any Hereditaments of any Tenure, or on any Interest therein, the Person to whom such Money shall for the Time being be payable, his Executors, Administrators, and Assigns, shall, at any Time after the Expiration of One Year from the Time when such Principal Money shall have become payable, according to the Terms of the Deed, or after any Interest on such Principal Money shall have been in arrear for Six Months, or after any Omission to pay any Premium on any Insurance which by the Terms of the Deed ought to be paid by the Person entitled to the Property subject to the Charge, have the following Powers, to the same Extent (but no more) as if they had been in Terms conferred by the Person creating the Charge; namely,

1st. A Power to sell or concur with any other Person in selling the whole or any Part of the Property by Public Auction or Private Contract, subject to any reasonable Conditions he may think fit to make, and to rescind or vary Contracts for Sale, or buy in and re-sell the Property, from Time to Time, in like Manner:

2d. A Power to insure and keep insured from Loss or Damage by Fire the whole or any Part of the Property (whether affixed to the Freehold or not) which is in its Nature insurable, and to add the Premiums paid for any such Insurance to the Principal Money secured at the same Rate of Interest:

3d. A Power to appoint or obtain the Appointment of a Receiver of the Rents and Profits of the whole or any Part of the Property in manner herein-after mentioned.

Receipts for Purchase Money sufficient Discharges.

XII. Receipts for Purchase Money given by the Person or Persons exercising the Power of Sale hereby conferred shall be sufficient Discharges to the Purchasers, who shall not be bound to see to the Application of such Purchase Money.

Notice to be given before Sale; but Purchaser relieved from Inquiry as to Circumstances of Sale.

XIII. No such Sale as aforesaid shall be made until after Six Months Notice in Writing given to the Person or one of the Persons entitled to the Property subject to the Charge, or affixed on some conspicuous Part of such Property; but when a Sale has been effected in professed Exercise of the Powers hereby conferred, the Title of the Purchaser shall not be liable to be impeached on the Ground that no Case had arisen to authorize the Exercise of such Power, or that no such Notice as aforesaid had been given; but any Person damnified by any such unauthorized Exercise of such Power shall have his Remedy in Damages against the Person selling.

Application of Purchase Money.

XIV. The Money arising by any Sale effected as aforesaid shall be applied by the Person receiving the same as follows; first, in Payment of all the Expenses incident to the Sale or incurred in any attempted Sale; secondly, in discharge of all Interest and Costs then due in respect of the Charge in consequence whereof the Sale was made; and, thirdly, in discharge of all the Principal Monies then due in respect of such Charge; and the Residue of such Money shall be paid to the Person entitled to the Property subject to the Charge, his Heirs, Executors, Administrators, or Assigns, as the Case may be.

Conveyance to the Purchaser.

XV. The Person exercising the Power of Sale hereby conferred shall have Power by Deed to convey or assign to and vest in the Purchaser the Property sold, for all the Estate and Interest therein, which the Person who created the Charge had Power to dispose of, except that in the Case of Copyhold Hereditaments the beneficial Interest only shall be conveyed to and vested in the Purchaser by such Deed.

Owner of Charge may call for Title Deeds and Conveyance of legal Estate.

XVI. At any Time after the Power of Sale hereby conferred shall have become exerciseable, the Person entitled to exercise the same shall be entitled to demand and recover, from the Person entitled to the Property subject to the Charge, all the Deeds and Documents in his Possession or Power relating to the same Property, or to the Title thereto, which he would have been entitled to demand and recover if the same Property had been conveyed, appointed, surrendered,

rendered, or assigned to and were then vested in him for all the Estate and Interest which the Person creating the Charge had Power to dispose of, and where the legal Estate shall be outstanding in a Trustee the Person entitled to a Charge created by a Person equitably entitled, or any Purchaser from such Person, shall be entitled to call for a Conveyance of the legal Estate to the same Extent as the Person creating the Charge could have called for such a Conveyance if the Charge had not been made.

Appointment of Receiver.

XVII. Any Person entitled to appoint or obtain the Appointment of a Receiver as aforesaid may from Time to Time, if any Person or Persons has or have been named in the Deed of Charge for that Purpose, appoint such Person or any one of such Persons to be Receiver, or if no Person be so named, then may, by Writing delivered to the Person or any one of the Persons entitled to the Property subject to the Charge, or affixed on some conspicuous Part of the Property, require such last-mentioned Person or Persons to appoint a fit and proper Person as Receiver, and if no such Appointment be made within Ten Days after such Requisition, then may in Writing appoint any Person he may think fit.

Receiver deemed to be the Agent of the Mortgagor.

XVIII. Every Receiver appointed as aforesaid shall be deemed to be the Agent of the Person entitled to the Property subject to the Charge, who shall be solely responsible for his Acts or Defaults, unless otherwise provided for in the Charge.

Powers of Receiver.

XIX. Every Receiver appointed as aforesaid shall have Power to demand and recover and give effectual Receipts for all the Rents, Issues, and Profits of the Property of which he is appointed Receiver by Action, Suit, Distress, or otherwise, in the Name either of the Person entitled to the Property subject to the Charge, or of the Person entitled to the Money secured by the Charge, to the full Extent of the Estate or Interest which the Person who created the Charge had Power to dispose of.

Receiver may be removed.

XX. Every Receiver appointed as aforesaid may be removed by the like Authority or on the like Requisition as before provided with respect to the original Appointment of a Receiver, and new Receivers may be appointed from Time to Time.

Receiver to receive a Commission not exceeding Five per Cent.

XXI. Every Receiver appointed as aforesaid shall be entitled to retain out of any Money received by him, in lieu of all Costs, Charges, and Expenses whatsoever, such a Commission, not exceeding Five *per Centum* on the gross Amount of all Money received, as shall be specified in his Appointment, and if no Amount shall be so specified, then Five *per Centum* on such gross Amount.

XXII. Every

Receiver to insure, if required.

XXII. Every Receiver appointed as aforesaid shall, if so directed in Writing by the Person entitled to the Money secured by the Charge, insure and keep insured from Loss or Damage by Fire, out of the Money received by him, the whole or any Part of the Property included in the Charge (whether affixed to the Freehold or not) which is in its Nature insurable.

Application of Moneys received by him.

XXIII. Every Receiver appointed as aforesaid shall pay and apply all the Money received by him in the first place in discharge of all Taxes, Rates, and Assessments whatsoever, and in Payment of his Commission as aforesaid, and of the Premiums on the Insurances, if any, and in the next place in Payment of all the Interest accruing due in respect of any Principal Money then charged on the Property over which he is Receiver, or on any Part thereof, and, subject as aforesaid, shall pay all the Residue of such Money to the Person for the Time being entitled to the Property subject to the Charge, his Executors, Administrators, or Assigns.

This Part to relate to Charges by way of Mortgage only.

XXIV. The Powers and Provisions contained in this Part of this Act relate only to Mortgages or Charges made to secure Money advanced or to be advanced by way of Loan, or to secure an existing or future Debt.

PART III.

Provisions as to Investment of Trust Funds, Appointment and Powers of Trustees and Executors, &c.

On what Securities Trust Funds may be invested.

XXV. Trustees having Trust Money in their Hands which it is their Duty to invest at Interest shall be at liberty, at their Discretion, to invest the same in any of the Parliamentary Stocks or Public Funds, or in Government Securities, and such Trustees shall also be at liberty, at their Discretion, to call in any Trust Funds invested in any other Securities than as aforesaid, and to invest the same on any such Securities as aforesaid, and also from Time to Time, at their Discretion, to vary any such Investments as aforesaid for others of the same Nature: Provided always, that no such original Investment as aforesaid (except in the Three *per Cent.* Consolidated Bank Annuities), and no such Change of Investment as aforesaid, shall be made where there is a Person under no Disability entitled in possession to receive the Income of the Trust Fund for his Life, or for a Term of Years determinable with his Life, or for any greater Estate, without the Consent in Writing of such Person.

Trustees may apply Income of

XXVI. In all Cases where any Property is held by Trustees in trust for an Infant, either absolutely, or contingently on his attaining the

the Age of Twenty-one Years, or on the Occurrence of any Event previously to his attaining that Age, it shall be lawful for such Trustees, at their sole Discretion, to pay to the Guardians (if any) of such Infant, or otherwise to apply for or towards the Maintenance or Education of such Infant, the whole or any Part of the Income to which such Infant may be entitled in respect of such Property, whether there be any other Fund applicable to the same Purpose, or any other Person bound by Law to provide for such Maintenance or Education, or not; and such Trustees shall accumulate all the Residue of such Income by way of Compound Interest, by investing the same and the resulting Income thereof from Time to Time in proper Securities, for the Benefit of the Person who shall ultimately become entitled to the Property from which such Accumulations shall have arisen: Provided always, that it shall be lawful for such Trustees at any Time, if it shall appear to them expedient, to apply the whole or any Part of such Accumulations as if the same were Part of the Income arising in the then current Year.

Property of Infants, &c. for their Maintenance.

XXVII. Whenever any Trustee, either original or substituted, and whether appointed by the Court of Chancery or otherwise, shall die, or desire to be discharged from or refuse or become unfit or incapable to act in the Trusts or Powers in him reposed, before the same shall have been fully discharged and performed, it shall be lawful for the Person or Persons nominated for that Purpose by the Deed, Will, or other Instrument creating the Trust (if any), or if there be no such Person, or no such Person able and willing to act, then for the surviving or continuing Trustees or Trustee for the Time being, or the acting Executors or Executor or Administrators or Administrator of the last surviving and continuing Trustee, or for the last retiring Trustee, by Writing, to appoint any other Person or Persons to be a Trustee or Trustees in the Place of the Trustee or Trustees so dying, or desiring to be discharged, or refusing or becoming unfit or incapable to act as aforesaid; and so often as any new Trustee or Trustees shall be so appointed as aforesaid all the Trust Property (if any) which for the Time being shall be vested in the surviving or continuing Trustees or Trustee, or in the Heirs, Executors, or Administrators of any Trustee, shall with all convenient Speed be conveyed, assigned, and transferred so that the same may be legally and effectually vested in such new Trustee or Trustees, either solely, or jointly with the surviving or continuing Trustees or Trustee, as the Case may require; and every new Trustee or Trustees to be appointed as aforesaid, as well before as after such Conveyance or Assignment as aforesaid, and also every Trustee appointed by the Court of Chancery either before or after the passing of this Act, shall have the same Powers, Authorities, and Discretions, and shall in all

Provisions for Appointment of new Trustees on Death, &c.

all respects act, as if he had been originally nominated a Trustee by the Deed, Will, or other Instrument creating the Trust.

Appointment of new Trustees in Cases herein named.

XXVIII. The Power of appointing new Trustees herein-before contained may be exercised in Cases where a Trustee nominated in a Will has died in the Lifetime of the Testator.

Trustees Receipts to be Discharges.

XXIX. The Receipts in Writing of any Trustees or Trustee for any Money payable to them or him by reason or in the Exercise of any Trusts or Powers reposed or vested in them or him shall be sufficient Discharges for the Money therein expressed to be received, and shall effectually exonerate the Persons paying such Money from seeing to the Application thereof, or from being answerable for any Loss or Misapplication thereof.

Executors may compound, &c.

XXX. It shall be lawful for any Executors to pay any Debts or Claims upon any Evidence that they may think sufficient, and to accept any Composition, or any Security, Real or Personal, for any Debts due to the Deceased, and to allow any Time for Payment of any such Debts as they shall think fit, and also to compromise, compound, or submit to Arbitration all Debts, Accounts, Claims, and Things whatsoever relating to the Estate of the Deceased, and for any of the Purposes aforesaid to enter into, give, and execute such Agreements, Instruments of Composition, Releases, and other Things as they shall think expedient, without being responsible for any Loss to be occasioned thereby.

PART IV.

General Provisions.

Tenants for Life, &c. may execute Powers, notwithstanding Incumbrances.

XXXI. For the Purposes of this Act, a Person shall be deemed to be entitled to the Possession or to the Receipt of the Rents and Income of Land or Personal Property, although his Estate may be charged or incumbered, either by himself or by any former Owner, or otherwise howsoever to any Extent; but the Estates or Interests of the Parties entitled to any such Charge or Incumbrance shall not be affected by the Acts of the Person entitled to the Possession or to the Receipt of the Rents and Income as aforesaid, unless they shall concur therein.

Powers, &c. hereby given may be negatived by express Declaration.

XXXII. None of the Powers or Incidents hereby conferred or annexed to particular Offices, Estates, or Circumstances shall take effect or be exerciseable if it is declared in the Deed, Will, or other Instrument creating such Offices, Estates, or Circumstances that they shall not take effect; and where there is no such Declaration, then if any Variations or Limitations of any of the Powers or Incidents

Incidents hereby conferred or annexed are contained in such Deed, Will, or other Instrument, such Powers or Incidents shall be exerciseable or shall take effect only subject to such Variations or Limitations.

XXXIII. Nothing in this Act contained shall be deemed to empower any Trustees or other Persons to deal with or affect the Estates or Rights of any Persons soever, except to the Extent to which they might have dealt with or affected the Estates or Rights of such Persons if the Deed, Will, or other Instrument under which such Trustees or other Persons are empowered to act had contained express Powers for such Trustees or other Persons so to deal with or affect such Estates or Rights.

No Persons other than those entitled under the Settlement, &c. to be affected.

XXXIV. The Provisions contained in this Act shall, except as herein-before otherwise provided, extend only to Persons entitled or acting under a Deed, Will, Codicil, or other Instrument executed after the passing of this Act, or under a Will or Codicil confirmed or revived by a Codicil executed after that Date.

Commencement of Act.

XXXV. This Act shall not extend to *Scotland*.

Extent of Act.

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Construction of Acts, and Recovery of Penalties.

II. This Act and the recited Act shall be construed together as One Act, and all Penalties and Forfeitures incurred under the Provisions of either Act shall be sued for and recoverable in all Counties, Ridings, or Divisions in *England* and *Ireland* before Two or more Justices of the Peace at Petty Sessions, or before the Mayor or other Chief Magistrate of any City, Borough, Town, or Place.

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by a Debtor in Custody by virtue of this Act, the Commissioner may be empowered to discharge the Petitioner from Custody wherever such Petitioner, if not in Custody, would have been entitled by virtue of the said Act to obtain Protection from Arrest.

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VICTORIÆ REGINÆ.

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CAP. CXLVIII.

An Act to continue the Powers of the Poor Law Commissioners in *Ireland*. [28th *August* 1860.]

WHEREAS the Provisions of an Act of the Tenth and Eleventh Years of Her Majesty, Chapter Ninety, relating to the Constitution and Appointment of Commissioners for administering the Laws for the Relief of the Poor in *Ireland*, Secretaries, Inspectors, and other Officers were continued from Time to Time, and by an Act passed in the Seventeenth and Eighteenth Years of Her Majesty, Chapter Sixty-three, such Provisions were further continued until the Twenty-third Day of *July* One thousand eight hundred and fifty-nine, and thenceforth until the End of the present Session of Parliament, and it is expedient that the Commission for administering the Laws for the Relief of the Poor in *Ireland*, as constituted under the said Act and an Act of the Fourteenth and Fifteenth Years of the Reign of Her Majesty, Chapter Sixty-eight, should be further continued for a limited Time: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

10 & 11 Vict. c. 90.
14 & 15 Vict. c. 68.

Irish Poor Law Commission further continued.

I. The Commissioners appointed by Her Majesty, or to be appointed by Her Majesty, Her Heirs and Successors, under the Authority of the

the said last-mentioned Acts or either of them, together with every Person by the said Acts or either of them constituted by virtue of his Office such Commissioner, and every Inspector and other Officer and Person appointed or to be appointed by the Commissioners, under the Provisions of the said recited Act of the Tenth and Eleventh Years of the Reign of Her Majesty, Chapter Ninety, now in force, shall, unless he shall previously resign or be removed, or otherwise cease to hold his Office, be empowered to hold his Office and exercise the Powers thereof, under the said last-mentioned Acts or either of them, until the Twenty-third Day of *July* One thousand eight hundred and sixty-one, and thenceforth until the End of the then next Session of Parliament, and until the Expiration of the said Period it shall be lawful for Her Majesty, Her Heirs and Successors, from Time to Time, at Pleasure, to remove the Commissioner or Commissioners for the Time being appointed by Her Majesty, or to be appointed by Her Majesty, Her Heirs and Successors, under the said Acts or either of them, and upon every Vacancy in the Office of the Commissioner or Commissioners so appointed or to be appointed, either by Removal, Death, Resignation, or otherwise, to appoint, as in the said Acts or either of them is described, some other fit Person to the said Office.

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unable, by reason of Poverty, to employ a Solicitor to put in his Answer, the Court should thereupon refer it to a Master in Rotation to inquire into the Truth of that Allegation, and to report thereon to the Court forthwith, and thereupon the Court might make such Order as upon other Reports of the like Nature under the Provisions therein-after contained; and by the Seventh of such Rules it was directed that on the Thirtieth Day of *January*, the Thirtieth Day of *April*, the Thirtieth Day of *July*, and the Thirtieth Day of *October* in every Year, or if any of those Days should happen on a *Sunday* then on the following Day, One of the Masters of the Court of Chancery, to be named by the Court, should visit the Fleet Prison and examine the Prisoners confined there for Contempt, and should report his Opinion on their respective Cases to the Court, and thereupon it should be lawful for the Court to make such Order as therein mentioned: And whereas by an Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her Majesty, Chapter Twenty-two, intituled *An Act for consolidating the Queen's Bench, Fleet, and Marshalsea Prisons, and for regulating the Queen's Prison*, it was enacted, amongst other things, that the Prison to be called the Queen's Prison should be the only Prison for all Persons who before the passing of that Act might lawfully have been imprisoned in the Fleet Prison and other Prisons therein named: And whereas by an Act passed in the Session of Parliament holden in the Fifteenth and Sixteenth Years of the Reign of Her Majesty, Chapter Eighty, intituled *An Act to abolish the Office of Master in Ordinary of the High Court of Chancery, and to make Provision for the more speedy and efficient Despatch of Business in the said Court*, the Office of Master in Ordinary of the High Court of Chancery was abolished, but reserving and subject to the Execution by the then Masters in Ordinary of the said Court of the Duties therein-after provided for, and until they were released under the same Act they were for the Performance of such Duties to continue to have all the Powers conferred upon them by any Act of Parliament or otherwise vested in them; and it was enacted that, on the First Day of *Michaelmas* Term One thousand eight hundred and fifty-two, Two of the said Masters should be released, and that as often as in the Judgment of the Lord Chancellor any other Master or Masters could be spared it should be lawful for the Lord Chancellor to release any such Master or Masters, and that when the Lord Chancellor should be of opinion that the Services of none of the Masters were any longer necessary for the due Execution of the Business of the said Court it should be lawful for him to release every remaining Master: And whereas since the passing of the last-mentioned Act One of the Masters in Ordinary of the said Court has died, and all the others have been released except Three, Two of whom are quite incapable from

5 & 6 Vict. c. 22.

15 & 16 Vict. c. 80.

from Ill-health of performing the Duties of their Office, and the other of whom is of advanced Age and very infirm, and has held the Office of Master in the Court of Exchequer and the Court of Chancery for the Period of Thirty-nine Years and upwards: And whereas it has been considered desirable for the better Discharge of the Business of the said Court that the Causes and Matters now remaining in the Offices of the said Masters should be transferred to the Judges Chambers, and accordingly the Lord Chancellor, with the Advice and Assistance of all the Judges of the Court, has, by Order bearing Date the Twenty-third Day of *August* One thousand eight hundred and sixty, ordered and directed that all Causes, Matters, and Things now depending before the Masters shall be proceeded with and prosecuted before the respective Judges of the Court: And whereas the only Duty now remaining to be performed by the Masters is that of visiting the Prison as required by the first-recited Act, and it is expedient that they should be relieved from such Duty, and that some other Provision should be made for the Performance thereof: And whereas it is also expedient that some further Provision should be made for the Relief of Prisoners in Custody for Contempt of the said Court: And whereas since the Date of the first herein-before recited Act various Alterations have been made in the Practice and Procedure of the said Court, by reason whereof several of the Rules and Regulations contained in the same Act may require to be varied, and it is expedient that the Lord Chancellor should have Power to make such General Orders as may from Time to Time be necessary in that Behalf: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Masters in Ordinary discharged from certain Duties.

I. The Masters in Ordinary of the High Court of Chancery shall be and they are hereby discharged from the several Duties imposed on them by the said first-recited Act.

The Queen's Prison to be visited quarterly.

II. In the last Week in *January*, in the last Week in *April*, in the last Week in *July*, and in the last Week in *October* in every Year, the present Solicitor to the Suitors Fund, or in case of his Illness or unavoidable Absence, some Officer of the Court of Chancery to be appointed by the Lord Chancellor from Time to Time during such Illness or Absence, and after the Death or Retirement of the present Solicitor to the Suitors Fund, the Solicitor to the Suitors Fund for the Time being, or some other Officer of the Court of Chancery to be appointed by the Lord Chancellor from Time to Time, shall visit the Queen's Prison, and examine the Prisoners confined there for Contempt, and shall report his Opinion on their respective Cases to the Lord Chancellor, and thereupon it shall be lawful for the Lord Chancellor, if

if he shall think fit, to assign a Solicitor to any such Prisoner, not only for defending him *in formâ pauperis*, but generally for taking such Steps on his Behalf as the Nature of the Case may require, and to make all or any such Orders as the Lord Chancellor was empowered to make after the like Report of a Master under the Seventh Rule of the said first herein-before recited Act, and all the Provisions of the same Rule shall apply to the Reports hereby directed, and the Orders to be made thereunder.

Prisoners and other Persons may be examined on Oath.

III. It shall be lawful for the Solicitor to the Suitors Fund or other Officer visiting the Prison as aforesaid to examine the Prisoners and all other Persons whom he may think it proper to examine upon Oath, and to administer an Oath or Oaths to any such Prisoner and other Persons accordingly, and to cause any Officers, Clerks, and Ministers of any Court of Law or Equity to bring and produce upon Oath before him any Records, Orders, Books, Papers, or other Writings belonging to the said Courts, or to any of the Officers within the same, as such Officers.

Court may direct Reference as to Poverty of Prisoners.

IV. In all Cases where, in pursuance of the said Sixth Rule contained in the first herein-before recited Act, a Defendant shall be brought to the Bar of the Court, and shall make Oath that he is unable by reason of Poverty to employ a Solicitor to put in his Answer, the Court, if not satisfied of the Truth of that Allegation, may direct an Inquiry as to the Truth thereof, and may appoint a Solicitor to conduct such Inquiry on the Behalf of such Defendant, and if it is ascertained by means of such Inquiry, or if the Court is satisfied without such Inquiry, that such Defendant is unable by reason of Poverty to employ a Solicitor to put in his Answer, the Court may thereupon make such Order as is authorized by the said Sixth Rule after a Report by a Master.

Gaolers to make Reports to Lord Chancellor of all Chancery Prisoners.

V. When any Person shall be committed to any Prison other than the Queen's Prison under any Writ or Order of the Court of Chancery, the Gaoler or Keeper of the Prison in which such Person shall be confined shall, within Fourteen Days after such Person shall have been in the Custody of such Gaoler or Keeper, make a Report to the Lord Chancellor, containing the Name and Description of such Prisoner, with the Cause and Date of his Commitment, and a Copy of the Writ or Order under which he was committed; and if such Prisoner shall make Oath before One of the Visiting Justices of such Gaol, or a Commissioner for taking Oaths in the Court of Chancery, that he is unable by reason of Poverty, to employ a Solicitor, the Report shall contain a Statement to that Effect, and it shall thereupon be lawful for the Lord Chancellor to direct the

the Solicitor to the Suitors Fund to ascertain the Truth of such Statement, and if true to take such Steps on behalf of any such Prisoner as the Nature of the Case may require; and the Lord Chancellor may thereupon, if he shall see fit, make such Order or Orders as he is empowered to make under the Second Section of this Act.

Expenses incurred for Prisoners and Pauper Defendants to be paid out of Suitors Fund.

VI. The Solicitor to the Suitors Fund shall make the necessary and proper Payments out of Pocket which may be requisite in the Proceedings taken on behalf of the Prisoners and Defendants under the Order of the said Court, and shall be allowed the same as Part of his Disbursements in respect of the Suitors Fund: Provided that if any such Prisoner or Defendant shall be or become entitled to any Funds in the Cause, such Funds shall be applied in the Repayment to the Suitors Fund of the Sums expended on his Behalf as aforesaid: Provided also, that in case any Prisoner or Defendant shall become entitled to any Costs in any such Suit or Proceeding, such Costs shall be received by the Solicitor to the Suitors Fund, and paid by him into the Suitors Fund.

Additional Salary to Solicitor to Suitors Fund.

VII. In consequence of the additional Duties under the Authority of this Act imposed on the Solicitor to the Suitors Fund, there shall be paid to him such additional yearly Salary as the Lord Chancellor shall from Time to Time direct, not exceeding the net yearly Salary of Three hundred Pounds, such additional Salary to be payable out of the same Funds and in the same Manner as his present Salary is payable.

Power to make General Orders.

VIII. It shall be lawful for the Lord Chancellor, with the Advice and Assistance of the Master of the Rolls, the Lords Justices of the Court of Appeal in Chancery, and the Vice-Chancellors, or any Three of them, from Time to Time to make such General Rules and Orders for regulating the Mode of Procedure regarding Commitments by the Court of Chancery for Contempt and taking Bills *pro confesso*, and for doing and effectuating any Acts or Proceedings which may heretofore have been required to be done by or under the Direction or through the Intervention of any of the Masters of the said Court, the doing and effectuating of which has not been already provided for, and generally for carrying the Purposes of this Act into effect, as may be found expedient.

Custody of Deeds under the Care of late Masters.

IX. The Deeds, Books, Documents, and Papers belonging to the Suitors in the said Court which have been heretofore under the Custody of the said Masters in Ordinary shall be transferred to the Custody of the Clerks of Records and Writs of the said Court, and *William Worden*, the present Office Keeper at the Offices in *South-*

ampton Buildings, Chancery Lane, where such Deeds, Books, Documents, and Papers are deposited, shall have the Care of the same, and shall, so far as relates thereto, be considered the Officer of the Clerks of Records and Writs, and shall hold such Office at the Pleasure of the Master of the Rolls; and the said *William Worden* shall receive in respect of the Duties imposed upon him by this Act such additional yearly Salary as the Lord Chancellor shall from Time to Time direct, not exceeding the net yearly Salary of Eighty Pounds in addition to his present Emoluments as such Office Keeper, such additional Salary to be payable on the Third Day of *February*, the Third Day of *May*, the Third Day of *August*, and the Third Day of *November* in every Year, out of the Fund standing in the Name of the Accountant General of the Court of Chancery, intituled "The Suitors Fee Fund Account," and on the Death, Retirement, or Removal of the said *William Worden* it shall be lawful for the Master of the Rolls to appoint a Person to have the Care of such Deeds, Books, Documents, and Papers at a yearly Salary not exceeding One hundred Pounds, to be payable out of the Fund and at the Times last aforesaid, and on any Vacancy in such Office to supply such Vacancy.

Appointment of additional Chief Clerk to the Master of the Rolls.

X. And whereas, in consequence of the Amount of Business transacted in the Chambers of the Master of the Rolls, it has been found expedient for Three Years last past to obtain the Assistance of Mr. *John Arthur Buckley*, late Chief Clerk in the Office of One of the Masters in Ordinary: And whereas, having regard to the Business transferred to the Office of the Master of the Rolls by reason of the final Discharge of the Masters, it is expedient that such Assistance should be continued: Be it therefore enacted, That Mr. *John Arthur Buckley* shall be continued as an additional Clerk in the Office of the Master of the Rolls, with the Salary he now receives, during such Time as the Lord Chancellor shall think fit; and it shall be lawful for the Lord Chancellor to transfer the said Mr. *Buckley* as an additional Clerk to the Office of any One of the Vice-Chancellors during such Time as he shall think fit: Provided, that if the Lord Chancellor shall be of opinion at any Time that the State of Business no longer requires the Services of Mr. *Buckley*, and he shall be discharged, he the said Mr. *Buckley* shall not be entitled to any Compensation: Provided always, that in case a new Judge shall be appointed in the Court of Chancery, the said Mr. *Buckley* shall be transferred to and become One of the Clerks of such new Judge.

The Junior Clerk to the late Master

XI. And whereas, under the said Act for abolishing the Office of the said Masters in Ordinary, any Person who on the First Day of *Hilary*

Hilary Term One thousand eight hundred and fifty-two held the Office of Junior Clerk to any Master in Ordinary who should be released under the Authority of such Act was empowered to make a Claim for Compensation to the Commissioners of Her Majesty's Treasury at any Time after the Master in whose Office he should have been employed should have been released: And whereas at the Time when such Act was passed *John Elijah Blunt* Esquire was One of the said Masters in Ordinary, and *Edward King* held the Office of his Junior Clerk: And whereas the said *John Elijah Blunt* died in the Year One thousand eight hundred and fifty-six, without having been released under the Authority of such Act, by reason whereof the said *Edward King* is not entitled to make any Claim for Compensation, as he would have been in case the said *John Elijah Blunt* had not died, but had been released as aforesaid: Be it therefore enacted, That it shall be lawful for the said *Edward King* to make his Claim for Compensation to the Commissioners of Her Majesty's Treasury, who are hereby empowered to receive and deal with the same in the same Manner in all respects as if the said *John Elijah Blunt* had been released under the Authority of the said last-mentioned Act.

Blunt empowered to seek Compensation.

XII. As regards the Chief Clerks of all the Judges of the said Court appointed since the Second Day of *November* One thousand eight hundred and fifty-five, and those to be hereafter appointed, it shall be lawful for the Lord Chancellor, if he shall so think fit, upon the Certificate mentioned in the Forty-fourth Section of the said Act of the Fifteenth and Sixteenth Years of Her Majesty, Chapter Eighty, to order and direct their Salaries respectively to be increased to the full Amount authorized by such Act at any One Period.

Chief Clerks (appointed since 2d Nov. 1855) Salary.

XIII. Where the Lord Chancellor is empowered by this Act to make Orders or to give Directions with respect to Prisoners in Contempt and Pauper Defendants, such Orders and Directions are to be made or given by the Lord Chancellor, Lord Keeper or Lords Commissioners for the Custody of the Great Seal of the United Kingdom, or the Lords Justices of the Court of Appeal in Chancery only; and where the Court of Chancery is empowered by this Act to make such Orders or to give such Directions, they may be made or given by any Judge of the said Court.

By whom Orders under this Act are to be made.

XIV. Instead of the Salaries directed to be paid by the said Act for abolishing the Office of the said Masters in Ordinary, and by the Act of the Eighteenth and Nineteenth Years of the Reign of Her Majesty, Chapter One hundred and thirty-four, to the Two Junior Clerks thereby respectively authorized to be appointed to each

Increased Salary may be paid to Two Junior Clerks to each Chief Clerk.

each Chief Clerk, it shall be lawful for the Lord Chancellor, if he shall so think fit, to order and direct that every such Junior Clerk shall receive a Salary of Four hundred Pounds *per Annum.*

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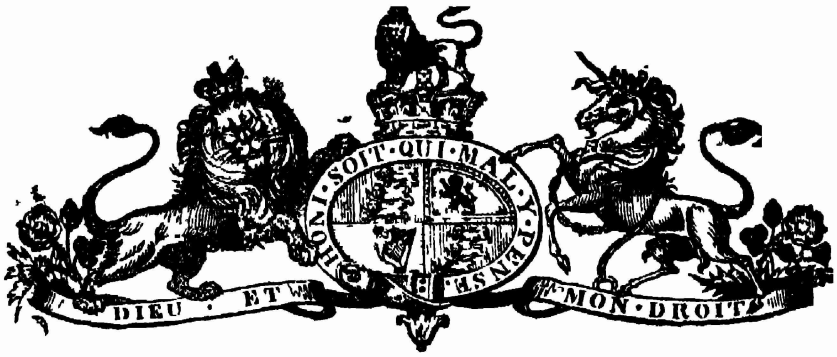

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of any Bishop, Dean, or Chapter of *Ireland*, such Commissioners may, if they think fit, request the Attendance at any Meeting at which such Matters are to be taken into consideration of any Bishop, Dean, or Member or Members of a Chapter whose Interests or Property such Matters shall or may affect, and he or they shall be at liberty to attend at any such Meeting, and to assist the said Commissioners with Information and Advice, but shall not vote, or, except as aforesaid, take any part in the Proceedings of the said Commissioners.

If Two Commissioners appointed, One only to be a paid Commissioner.

III. If after the passing of this Act Her Majesty or Her Successors shall under the Powers of Section Two of the Act of the Third and Fourth Years of King *William* the Fourth, Chapter Thirty-seven, appoint Two Ecclesiastical Commissioners, One only of the said Commissioners shall be a paid Commissioner.

As to Entries of Proceedings at Meetings of the Board.

IV. From and after the passing of this Act the Entry of the Proceedings at each Meeting of the said Commissioners shall and may, in the event of its not being signed by the Chairman of such Meeting, be signed by the Chairman of the Meeting of the said Commissioners next succeeding that at which such Proceedings were had or taken and such Entry made.

Appointment of Solicitor.

V. It shall be lawful for the Ecclesiastical Commissioners to pay to the Solicitor or Attorney employed by them, in addition to any Disbursements or Expenses properly made and incurred by him in or about the Affairs and Business of the said Commissioners and by their Authority and Direction, such annual Salary not exceeding the Sum of Five hundred Pounds as they shall from Time to Time, with the Consent of the Lord Lieutenant testified in Writing under his Hand, think fit to allow; and such annual Salary so fixed as aforesaid shall be paid to the said Solicitor or Attorney for his personal Services, and such Sum not exceeding the Sum of Three hundred Pounds *per Annum* as the said Commissioners shall from Time to Time, with the like Consent as aforesaid, think fit to allow for the Expenses of his Office, and also in lieu of all Costs, Charges, Fees, and Emoluments whatsoever now payable or authorized by Law to be paid to such Solicitor or Attorney, any Act or Acts to the contrary notwithstanding: Provided always, that no Sum shall be paid to such Solicitor or Attorney on account of any Disbursements or Expenses as aforesaid unless approved by the Lords Commissioners of Her Majesty's Treasury, before whom the Particulars of all such Disbursements or Expenses shall be laid.

VI. It

VI. It shall and may be lawful for the Lords Commissioners of Her Majesty's Treasury, if they shall so think fit, on an Application for that Purpose under the Common Seal of the Ecclesiastical Commissioners for *Ireland*, and signed by at least Three of the said Commissioners assembled at a Board held in pursuance of a Notice specially given for such Purpose, to grant to any of the said Ecclesiastical Commissioners receiving or who shall hereafter receive a Salary for his Services as such Commissioner, or to any Clerk or Officer of the said Ecclesiastical Commissioners who shall have been or who shall hereafter be duly appointed by the said Ecclesiastical Commissioners, such Superannuation Allowance as the said Lords Commissioners of Her Majesty's Treasury shall think proper to direct: Provided always, that such Commissioner, Clerk, or Officer shall have faithfully and diligently discharged the Duties of such Commissionership, Clerkship, or Office for a Period of not less than Twenty Years, or shall, from Age or Infirmity of Body or Mind, be permanently disabled from further discharging such Duties; provided also, that in ascertaining and awarding the Amount of such Superannuation Allowance for any Clerk or Officer the said Lords Commissioners of Her Majesty's Treasury shall take into their Consideration the entire Period during which any such Clerk or Officer shall have been employed under the said Ecclesiastical Commissioners, whether such Employment shall have been in any One or more Office or Offices, and all such Allowances as shall be so awarded and granted under the Authority aforesaid shall be paid and payable by the said Ecclesiastical Commissioners for the Time being out of the Funds by Law vested in them, and shall be charged and chargeable thereon and payable thereout during the Term of the natural Life of the Commissioner, Clerk, or Officer to whom the same shall be granted, or during such shorter Term as the said Lords Commissioners of Her Majesty's Treasury shall at the Time of awarding the same direct.

Power to grant Superannuation Allowance under the Authority of the Treasury.

VII. Whenever any Application shall be made to the Ecclesiastical Commissioners for *Ireland*, for the building or rebuilding of any Parochial Church, or any Parochial Chapel of Ease, or District Church or Chapel, in any Parish or Parochial District, wherein the Number of Inhabitants being Members of the United Church of *England* and *Ireland* shall not in the Judgment of the said Commissioners be such as to require such Church or Chapel to be immediately built or rebuilt, or the then existing State of the Funds at the Disposal of said Commissioners shall render it impracticable or inexpedient, according to their Judgment, to appropriate a Sum sufficient for the Erection of such Church or Chapel, then and in any such Case it shall and may be lawful for the said Commissioners, out of

Ecclesiastical Commissioners empowered to advance Funds for providing licensed Places of Worship.

of the Funds in their Hands or at their Disposal, to expend such Sum as may be necessary for the Erection or Alteration and Repairs of any House or other Building in the said Parish or Parochial District, as the Case may be, which the said Commissioners may deem sufficient and proper for the Accommodation of the Persons likely to attend Divine Worship therein, or to hire, purchase, or otherwise obtain the Use of any such House or other Building until the Funds in the Hands or at the Disposal of the said Commissioners shall be sufficient to enable them to erect a suitable Church or Chapel in such Parish or Parochial District, as the Case may be, and also to expend such Sums as shall be necessary for fitting-up, furnishing, and keeping in repair such House or other Building, and to supply the several Matters and Things requisite for the Performance of Divine Worship therein, in like Manner as the said Ecclesiastical Commissioners are now empowered and required to do in relation to Churches and Chapels: Provided always, that previous to the Expenditure of any of the Funds at the Disposal of the said Commissioners for the Erection or Alteration and Repairs of any such Building as aforesaid, or for the Purchase, Hire, or fitting-up and furnishing of any such Building, the said Commissioners shall obtain the Consent and Approbation in Writing under the Hand of the Bishop or Ordinary of the Diocese in which such Building is proposed to be erected or fitted-up and used for the Celebration of Divine Service therein; and that without such Consent and Approbation first had and obtained, no such Building as aforesaid shall be erected or used for the Celebration of Divine Worship by or under the Authority of the said Commissioners.

Consent and Approbation of the Ordinary to be obtained.

Commissioners empowered to enter Churches for the Purposes of Repairs.

VIII. It shall be lawful for the Ecclesiastical Commissioners for *Ireland*, their Architect or Architects, or any Person or Persons employed by them, by and with the Consent in Writing of the Bishop of the Diocese in which any Church, Chapel, or Churchyard shall be situate, or of his Commissary, at all convenient Times to enter any Church, Chapel, or Churchyard for the Purpose of executing any Works for building, rebuilding, enlarging, or repairing such Church or Chapel, or fencing or maintaining such Churchyard, or for the Purpose of inspecting and ascertaining the State of the Fabric of such Church or Chapel, as well previous to the Commencement of such Works as during their Progress, and with such Consent as aforesaid to make and execute such Alterations and Repairs in any such Church, Chapel, or Churchyard as may appear to said Commissioners to be necessary or expedient; and the Incumbent and Church Wardens or Chapel Wardens of any such Church or Chapel shall and they are hereby required, upon the Application of the said Commissioners having such Consent as aforesaid, to permit the said Commis-

Commissioners and their Architects, or any Person or Persons employed by them, to enter such Church, Chapel, or Churchyard for any of the Purposes aforesaid at all such Times as they shall require.

Commissioners may recover Compensation for malicious Injuries to Churches by Grand Jury Presentment.

IX. From and after the passing of this Act the Provisions of the Act of the Third and Fourth Years of King *William* the Fourth, Chapter Thirty-seven, and of the Fourth and Fifth Years of the said Reign, Chapter Ninety, relating to the Recovery of Satisfaction and Amends for any malicious or wanton Demolition, Burning, Firing, or Injury or Damage to any Church, Chapel, or other Building used for Religious Worship according to the Usage of the United Church of *England* and *Ireland*, are and shall be deemed and taken to be of full Force and Effect, anything in the Act of the Sixth and Seventh Years of the said Reign, Chapter One hundred and sixteen, or any other Act or Acts, to the contrary notwithstanding.

Furniture of Churches vested in Commissioners.

X. In any Indictment, Information, Action, Suit, or Proceeding, whether Criminal or Civil, relating to Furniture, Lamps, Sconces, Fittings, Cushions, Bibles, Prayer Books, or any other Matter required for the Celebration of Divine Service in any Church or Chapel in *Ireland*, for the Supply of which the Funds vested in the Ecclesiastical Commissioners for *Ireland* are or shall be applicable, by virtue of any Law or Statute now in force, or hereafter to be made, it shall be sufficient to describe the same as the Property, Goods, and Chattels of the Ecclesiastical Commissioners for *Ireland*.

Form and Fabric of Churches, &c. built or maintained by the Commissioners, not to be altered without Consent of the Bishop, &c.

XI. It shall not be lawful for any Person or Persons to alter the Form or Structure of any Parochial Church or Chapel in *Ireland*, or of any other Church or Chapel which has been or shall be hereafter built or maintained by or out of the Funds vested in the Ecclesiastical Commissioners for *Ireland*, or to remove, take down, destroy, or alter the Position of the Reading Desk, Pulpit, or Pewing of any such Church or Chapel as aforesaid, or the Walls or Fences of any Churchyard belonging thereto, without the previous Consent in Writing of the said Ecclesiastical Commissioners and of the Bishop of the Diocese in which such Church or Chapel is or shall be situate, or of his Commissary.

Commissioners may apply old Materials of Church to effect Repairs.

XII. In every Case in which it shall become necessary and lawful for the Ecclesiastical Commissioners for *Ireland* to rebuild, alter, or repair any Church or Chapel or Churchyard, or any Part thereof, and for that Purpose to take down or remove any Part of the Fabric or Materials of the Church or Chapel, or the Walls or Fences of the Churchyard, it shall be lawful for the said Ecclesiastical Commissioners to use and employ and otherwise to make available such of the old Materials of the said Church or Chapel, or of the Walls or Fences

of the said Churchyard, as may be fit and proper for the Purpose of such Rebuilding, Alteration, or Repair, and to remove, convert, and sell, or otherwise dispose of the Remainder of such Materials, and such Parts thereof as may be useless for the Purposes aforesaid, as in their Judgment shall seem best, and in case of the Sale of the said Materials, to apply the Produce of the same towards reimbursing the Expenses of such Rebuilding, Alteration, or Repair.

Burial of Dead Bodies within any Church or Chapel, or within 12 Feet of the outer Walls thereof, unlawful.

XIII. From and after the passing of this Act it shall not be lawful for any Person or Persons to bury any Dead Body within the Walls of any Church or Chapel in *Ireland*, or of any Church, Aisle, Room, or Place belonging to and under the same Roof with such Church or Chapel, or within Twelve Feet of the Outside of the Walls of any Church or Chapel; and it shall not be lawful for any Ecclesiastical Person to perform the Burial Service at the Interment of any Dead Body which shall be buried within the Walls of any Church or Chapel in *Ireland*, or of any Church, Aisle, Room, or Place thereunto belonging, or within Twelve Feet of the Outside of the Walls of any Church or Chapel in *Ireland*: Provided always, that nothing herein contained shall prevent the burying in any arched Vault built under any Church or Chapel, or under any Chancel, Aisle, Room, or Place thereunto belonging, where the only Door to such Vault opens on the Outside of the Walls of such Church or Chapel, or of such Chancel, Aisle, Room, or Place thereunto belonging; and any Person who shall, contrary to the Provisions of this Act, bury any Dead Body within the Walls of any Church or Chapel, or of any Chancel, Aisle, Room, or Place belonging to and under the same Roof with such Church or Chapel, or within Twelve Feet of the Outside of the Walls of any Church or Chapel, and every Ecclesiastical Person who shall perform the Burial Service at the Interment of any Dead Body which shall be buried within the said Limits, shall forfeit for every such Offence the Sum of Ten Pounds, to be recovered by Civil Bill by the Ecclesiastical Commissioners for *Ireland*.

Burial in arched Vaults under Church or Chapel, &c. lawful.

Mines.

XIV. From and after the passing of this Act whenever Application shall be made by a Tenant holding any Lands or Premises by Lease or Contract from any Archbishop, Bishop, or other Sole Ecclesiastical Corporation in *Ireland*, or from the said Ecclesiastical Commissioners for the Purchase of the Fee Simple and Inheritance of such Lands or Premises, pursuant to the Provisions of the Acts relating to the Temporalities of the Church in *Ireland*, or any of them, it shall be lawful for the said Ecclesiastical Commissioners, and they are hereby required, in addition to the several other Matters which they are by the Provisions of the Acts now in force authorized or required to ascertain previous to the Conveyance of such Fee Simple and

and Inheritance, also to ascertain whether any Mines or any Quarries of Marble or Slate shall have been opened or discovered within or under the said Lands or Premises; and if any such Mines or Quarries shall have been opened or discovered, then to ascertain whether the same shall have been demised to any Person or Persons, or comprised in or made the Subject of any Contract for a Lease or Demise thereof.

Where Mines have been demised.

XV. If it shall be ascertained that any such Mines or Quarries have been demised to any Person or Persons, or made the Subject of any Contract for a Demise thereof, then it shall not be lawful for the said Ecclesiastical Commissioners to execute or affix their Common Seal to any Conveyance of the Fee Simple and Inheritance of the Lands or Premises comprised in the Application of such Tenant as aforesaid, on, within, or under which such Mines or Quarries as aforesaid shall have been opened or discovered, unless the said Mines or Quarries, together with all Minerals, Marbles, or Slates, and all other Issues, Profits, or Advantages to be derived therefrom, shall be first excepted out of the said Conveyance, and the usual and necessary Clauses inserted therein for securing to the Archbishop, Bishop, or other Ecclesiastical Corporation Sole, or to the said Ecclesiastical Commissioners, as the Case may be, and their respective Agents, Lessees, Workmen, and all other Persons to be appointed by them respectively, full Powers to enter and work said Mines or Quarries, and take and carry away the Produce and Profits thereof.

Where Mines have not been demised.

XVI. If, in case of any Application by any such Tenant as aforesaid, it shall be ascertained that no such Mines or Quarries shall have been opened or discovered within, on, or under any Portion of the Lands or Premises comprised in such Application, or that such Mines or Quarries shall have been opened or discovered, but that the same shall not have been demised to any Person or Persons, or made subject to any Contract for a Demise thereof, then it shall be lawful for the said Ecclesiastical Commissioners, save as herein-after provided, to include such Mines or Quarries in the Grant or Conveyance of the said Lands or Premises.

Additional Rent to be reserved.

XVII. It shall not be lawful for the said Commissioners to execute or affix their Common Seal to such Grant or Conveyance as last aforesaid, unless there be a proper Clause or Clauses inserted therein, providing that (over and above the Rent which under the Provisions of the Acts herein-before mentioned, or any of them, is required to be reserved) an additional Rent shall become payable to the Archbishop, Bishop, or other Ecclesiastical Corporation Sole, or to the said Ecclesiastical Commissioners, as the Case may be, in the event of such Mines or Quarries being at any future Time opened and

and worked, or any Profit or Produce being derived therefrom, and which Rent shall be equivalent to One Moiety of any Royalty or other Rent which shall be reserved by or under any Contract or Lease which the Tenant of said Lands and Premises, his Heirs or Assigns, shall at any Time or from Time to Time hereafter make or execute with or to any Person or Persons who shall undertake the opening or working of such Mines or Quarries; and in case such Tenant, his Heirs or Assigns, shall not make or execute any such Contract or Lease as aforesaid, but shall by himself or themselves, and his or their Agents or Workmen, open and work the said Mines or Quarries, then the said additional Rent shall be equivalent to One Moiety of the Royalty Rent heretofore usually reserved by the said Ecclesiastical Commissioners in Leases of Mines or Quarries of a like Nature and under like Circumstances, and shall be subject to be increased or diminished at the Expiration of Twenty-one Years from the Time when the same shall first become payable as aforesaid, according to the Increase or Diminution of the Net Profits or Produce which shall be derived from the Working of such Mines or Quarries, and shall be subject to a like Variation at the Expiration of each successive Period of Twenty-one Years.

Arbitrators to be appointed in case of Dispute.

XVIII. In case any Difference or Dispute shall at any Time arise between such Tenant, his Heirs or Assigns, and such Archbishop, Bishop, or other Ecclesiastical Corporation Sole, or the said Ecclesiastical Commissioners, as the Case may be, in relation to such additional Rent or the Variation thereof, such Difference or Dispute shall be settled by the Three Arbitrators, to be appointed in like Manner and subject to the like Provisions and Regulations as are contained in the Act of the Third and Fourth Years of King *William* the Fourth, Chapter Thirty-seven, in relation to Arbitrators to be appointed for the Adjustment of Differences between the said Ecclesiastical Commissioners and Tenants or Lessees applying for the Purchase of Perpetuities under the said Act, and with the like Powers and Authorities so far as the same are applicable; and the Determination of such Arbitrators as to the Amount of such additional Rent or the Variation thereof, and all Matters incident thereto, shall be conclusive and binding on all Persons, and the Expense of such Arbitration shall be borne and defrayed by such Person or Persons and in such Manner as such Arbitrators shall direct.

Any Estate held by Lease or Demise immediately under Commissioners to be deemed equivalent to an Estate of Inheritance,

XIX. From and after the passing of this Act, every Estate held by Lease or Demise immediately from or under the said Ecclesiastical Commissioners, either of Lands or Premises now vested in them under the Provisions of any Act of Parliament heretofore made, or of Lands or Premises which may hereafter become vested in the said Ecclesiastical

Ecclesiastical Commissioners under or by virtue of any Act of Parliament heretofore made, or of any Act of Parliament which may hereafter be made, or otherwise howsoever, shall, for all Purposes relating to the Rentcharge created in lieu of Tithes or Composition for Tithes, be deemed and taken to be equivalent to a perpetual Estate or Interest.

and liable to Payment of Rentcharge.

XX. In all Cases where Tithes or Portions of Tithes heretofore held jointly with Lands by Leases, renewed from Time to Time, and now in full Force and Effect, and which have been or shall at any Time hereafter under the Provisions of any Acts be disappropriated and united in the whole or in part to any Rectory, Vicarage, Incumbency, or Perpetual Curacy, or transferred to the said Ecclesiastical Commissioners for *Ireland*, it shall and may be lawful for the Incumbent of such Parish or Benefice to which said Tithes and Lands so disappropriated have been or shall be united, and for the Ecclesiastical Commissioners for *Ireland*, and he and they are hereby required, on the Application of the respective Lessees, Assignees, or Tenants of such Tithes, and Lands, Tenements, or Hereditaments, to accept a Surrender of the subsisting Lease of the same, and to demise anew the said Tithes and Lands, Tenements, or Hereditaments therein comprised for such like Term or Interest as shall have been granted therein by the Lease so surrendered, or as the Archbishop, Bishop, or other Ecclesiastical Person who formerly held the same, shall have had the Power of granting or demising previously to such Disappropriation, reserving by such new Lease the annual Rent or Rents theretofore reserved out of said Tithes, Lands, Tenements, or Hereditaments by the Lease so surrendered, and receiving for and in consideration of making such new Lease Payment of such Fine as may be equal to the average Amount of Renewal Fines theretofore paid or payable for the Renewal of the Lease or Interest in such Tithes, Lands, Tenements, or Hereditaments; such annual Rent or Rents and average Amount of Renewal Fines to be ascertained by such and the like Means as by the said recited Acts provided in Cases of Renewals made by the said Ecclesiastical Commissioners for *Ireland* of Leases of Lands theretofore belonging to a Bishopric, and subject to the like Provisions, Restrictions, and Limitations as in the said Acts contained in relation to such last-mentioned Renewals of Lands by said Commissioners; and it shall and may be lawful for the respective Tenants, Lessees, or Under-tenants of any such Tithes, Lands, Tenements, or Hereditaments so disappropriated to apply to the Incumbent of the Benefice to which same shall have been so united, and also to the Ecclesiastical Commissioners for *Ireland*, for the Purchase of a Perpetual Estate or Interest in any such Tithes, Lands, Tenements, or Hereditaments theretofore leased, in like Manner as such

Empowering the Renewal of Leases of Lands, &c. disappropriated from Ecclesiastical Dignities.

Tenants, Lessees, or Under-tenants respectively could or might have applied to the Bishop of the Diocese and to the Ecclesiastical Commissioners, by virtue of the said Acts relating to Temporalities of the Church in *Ireland*, or any of them, in Cases of Lands, Tenements, or Hereditaments; and in case of such Application, all such and the like Proceedings shall be had for the Purchase of a Perpetual Estate and Interest in such Tithes, Lands, Tenements, or Hereditaments so disappropriated as aforesaid as by the said Acts, or any of them, are prescribed in case of an Application for the Purchase of the Fee Simple and Inheritance of and in any Lands belonging to any Bishopric, save that in such Case the Incumbent of the respective Benefices to which such Tithes, Lands, Tenements, or Hereditaments shall have been so united shall, in all such Proceedings, be substituted for and in the Place of the Bishop of the Diocese from which said Tithes, Lands, Tenements, or Hereditaments shall have been disappropriated.

Further Division of Rents to follow that of Lands.

XXI. Whenever any Division of Lands or Premises has taken place or shall hereafter take place, and the yearly Rent or Rents have been or shall be divided and apportioned under the Provisions of the Act of the Third and Fourth *William* the Fourth, Chapter Thirty-seven, and a further Division of any Part of such Lands and Premises shall take place, it shall be lawful for the said Ecclesiastical Commissioners, if they see fit so to do, to make a further Division and Apportionment of the Rent so previously apportioned upon such Part of the said Lands and Premises, in the same Manner and subject to the same Terms and Conditions as those upon and under which the former Division and Apportionment was made.

Sub-tenants empowered to purchase Perpetuities required to furnish Copies of Valuations, &c.

XXII. From and after the passing of this Act, whenever any Under-tenant of any Lands or Premises held by Lease from any Archbishop, Bishop, or other Ecclesiastical Corporation Sole in *Ireland*, or from the Ecclesiastical Commissioners for *Ireland*, shall be authorized, under the Provisions of the Act of the Fourth and Fifth Years of King *William* the Fourth, Chapter Ninety, to apply for the Purchase of the Fee Simple and Inheritance of the Lands and Premises held by such Under-tenant, and shall make Application therefor in manner therein prescribed, then and in every such Case, in addition to the Notice in Writing which such Under-tenant is now, under the Provisions of the said Act, obliged to serve on the said Ecclesiastical Commissioners, notifying his Desire to purchase the Fee Simple and Inheritance of the said Lands and Premises, and the other Notices by the said Act required to be served, he shall furnish the said Commissioners with an Extract or Extracts from the Valuation now in progress or being made under the several Acts relating

relating to the Valuation of Rateable Property in *Ireland*, provided such Valuation shall have been then extended to the Lands and Premises held by such Under-tenant as aforesaid, showing the annual Value and other Particulars therein contained relative to the Lands and Premises held by such Under-tenant as aforesaid, and also the annual Value and other Particulars in the said Valuation contained relative to the whole of the Lands and Premises held by the first or immediate Tenant through or under whom such Under-tenant shall hold, either mediately or immediately, and also the annual Value or other Particulars in the said Valuation contained relative to the several Portions of the said Lands and Premises held by any other Tenants or Tenant intermediate between such first or immediate Tenant as aforesaid and such Under-tenant applying to purchase the Fee Simple of the Lands and Premises held by him as aforesaid.

No Purchase to take place without Valuation being furnished.

XXIII. Unless and until such Extracts from the said Valuation shall be furnished to or left at the Office of the said Ecclesiastical Commissioners in the City of *Dublin*, by the Under-tenant applying for the Purchase of the Fee Simple and Inheritance of any such Lands and Premises as aforesaid, in any Case where such Valuation shall have been extended to the said Lands and Premises, it shall not be lawful for the said Ecclesiastical Commissioners to treat, contract, or agree with such Under-tenant for the Purchase of such Fee Simple and Inheritance; nor shall any Application for such Purchase be deemed or taken as having any Preference or Priority over a subsequent Application by any other Under-tenant of such Lands and Premises, but shall be deemed and taken to be null and void to all Intents and Purposes as if the same had never been made.

Surveyors employed by Ecclesiastical Commissioners empowered to enter upon Lands and Premises.

XXIV. Whenever any Application for such Purchase as aforesaid shall be made to the said Ecclesiastical Commissioners by any Under-tenant entitled as aforesaid to make the same, and who shall also furnish to the said Commissioners, or leave at their Office in the City of *Dublin*, such Extract or Extracts from the said Valuation as aforesaid, then it shall and may be lawful for any Valuator, Surveyor, or other Person or Persons who shall be employed by the said Ecclesiastical Commissioners for the Purpose of ascertaining the several Matters and Things necessary to be ascertained for the Completion of the Purchase of the Fee Simple and Inheritance of the Lands and Premises so held by such Under-tenant as aforesaid, and who shall be duly authorized by the said Ecclesiastical Commissioners so to do in Writing, under the Hand of their Secretary, to enter into and upon all or any Part of the Lands and Premises held by such Under-tenant, or of the Lands and Premises comprised in the Lease of the First or immediate Tenant through or under whom such Under-tenant shall hold

hold as aforesaid, at all reasonable and convenient Times, and to do all Things necessary for the Purpose of making a Valuation of such Lands and Premises, and ascertaining the several Matters and Things necessary to be ascertained in order to enable the said Ecclesiastical Commissioners to determine the Amount of the Purchase Money to be paid for such Fee Simple and Inheritance as aforesaid, and the Amount of the perpetual annual Rent and Rentcharge or Rentcharges subject to which the same is to be conveyed.

Ecclesiastical Commissioners may serve Notices upon Sub-tenants applying for Purchase, and upon the immediate Tenant and any intervening Tenant.

XXV. It shall and may be lawful for the said Ecclesiastical Commissioners to serve Notice in Writing upon an Under-tenant making such Application as aforesaid, and upon the First or immediate Tenant through or under whom such Under-tenant shall hold as aforesaid, and also upon any other Tenant or Tenants intervening between the First or immediate Tenant and such Under-tenant applying to purchase the Fee Simple and Inheritance of the Lands and Premises held by him as aforesaid, requiring such Under-tenant and such intervening Tenant or Tenants respectively to furnish to the said Commissioners, or deliver at their Office in the City of *Dublin*, within a reasonable Time to be mentioned in such Notice, Copies of the respective Leases under which they hold, or such Extracts or Particulars therefrom as shall be specified or required by such Notice; and thereupon each such Tenant or Under-tenant having any such Lease or Copy thereof in his Custody, Power, or Procurement, shall and they are hereby required to furnish such Copies, Extracts, or Particulars as the Case may be, in pursuance of such Notice; and in case of any such Tenant or Under-tenant neglecting so to do for the Space of Two Months after the Time mentioned in such Notice, it shall be lawful for the Court of Queen's Bench in *Ireland* to direct a Writ of Mandamus, or any other Writ that may be necessary, to any such Tenant or Under-tenant, to enforce Compliance with the said Notice, and compel the Production of such Copies, Extracts, or Particulars as aforesaid, and such Tenant or Under-tenant shall pay all the Costs and Expenses incurred by the said Ecclesiastical Commissioners in such Proceedings.

Sections 160 & 161 of 3 & 4 W. 4. c. 37. repealed.

Notice of Period at which Leases are renewable to be served on Tenant.

XXVI. From and after the passing of this Act the Enactments contained in the One hundred and sixtieth and One hundred and sixty-first Sections of the Act passed in the Third and Fourth Years of the Reign of King *William* the Fourth, Chapter Thirty-seven, shall be and the same are hereby repealed; and it shall and may be lawful for the said Ecclesiastical Commissioners, and they are hereby required, so soon as conveniently may be after the passing of this Act, in respect of all Lands and Premises now vested in them under the Provisions of the Acts relating to the Temporalities of the Church in *Ireland*, or

or any of them, and in respect of all Lands and Premises hereafter to become vested in them under the Provisions of the said Acts or any of them, or of any Act which shall be hereafter made, within Six Calendar Months from the Time or Times when such Lands and Premises or the Reversion thereof shall have become vested in the said Commissioners, to fix and determine at what Periods or Intervals all and every the respective Leases or Instruments of Demise whereby any such Lands and Premises are or shall be held immediately from and under them the said Ecclesiastical Commissioners (being a Lease or Instrument theretofore usually and customarily renewed and renewable) shall from thenceforth be renewable and renewed, and the said Ecclesiastical Commissioners shall cause Notice in Writing to be served upon the several and respective Tenants holding under or by virtue of any such Lease or Instrument either personally or by sending the same by Post addressed to such Tenant or Tenants at his or their present or last known Place of Residence, or by delivering the same to the known Agent or Agents of such respective Tenants, or by sending it by Post addressed to the present or last known Place of Abode of such Agent, stating thereby the Periods or Intervals at which such Leases or Instruments respectively are thereafter to be renewable and renewed.

After Service of Notice Renewal of Lease to be made on Application from Tenant.

XXVII. After the Service of such Notice, in case any Tenant holding, or who shall at any Time hereafter hold, immediately from and under the said Ecclesiastical Commissioners, any Lands or Premises by virtue of any Lease which shall have been theretofore usually or customarily renewed, shall be desirous of obtaining any Renewal of such Lease for the like Term as shall have been thereby granted, and at and under the like Rent as therein reserved, it shall and may be lawful for such Tenant at any Time within the Period so fixed or determined as aforesaid, or within Six Calendar Months from the Expiration of such Period, to apply to the said Ecclesiastical Commissioners for a Renewal of such Lease, and thereupon the said Ecclesiastical Commissioners shall and they are hereby required to grant to the respective Tenants so applying for the same a Renewal of such Lease for the like Term and at the like Rent for and at which the said Lands or Premises were demised by such Lease; but nevertheless, upon Payment by such respective Tenants to the said Ecclesiastical Commissioners as well of all Arrears of Rent reserved by such Lease as of such a Fine as may be equal to the average Amount of the Renewal Fines theretofore paid or agreed to be paid, or customarily paid or payable for Renewal of the Lease or Interest in said Lands and Premises, such average Amount of Renewal Fines to be ascertained by all such and the like Means as in the said Act of the Third and Fourth Years of the Reign of King *William* the

Fourth, Chapter Thirty-seven, are provided for ascertaining the same in Cases of Application for Purchase of Perpetuities under the said Act, and to be ascertained as if One Year only of such Lease had elapsed, and the Calculation of a Sum to be paid as a Fine for whatever Term may at the Time of such Application for a Renewal have elapsed of the existing Lease to be made upon the Basis of such annual Renewal Fine, and to be computed according to the usual Custom in relation to the Renewal of Leases under Ecclesiastical Landlords.

Commissioners to fix and demand Renewal Fines in certain Cases.

XXVIII. In case any such Tenant shall at any Time after the Service of such Notice omit or neglect to make Application to the said Ecclesiastical Commissioners for a Renewal of such Lease within the Period so fixed and determined by said Commissioners as aforesaid, or within Six Calendar Months after such Period, or shall not pay to the said Ecclesiastical Commissioners all such Fine or Fines for Renewal as shall be ascertained by the said Ecclesiastical Commissioners, and also all Rent and Arrears of Rent due and payable to the said Ecclesiastical Commissioners out of such Lands and Premises within One Calendar Month after the Amount of the Fine or Fines so ascertained shall have been notified by the said Ecclesiastical Commissioners to such Tenant, or his or her Agent, then and in every such Case it shall and may be lawful for the said Ecclesiastical Commissioners to procure a Valuation of the said Lands and Premises, to be made previous to the Grant of any Renewal or new Lease thereof, and to demand and require such Renewal Fine as they shall think reasonable, having regard to such Valuation.

Application for Renewal to be signed by the Person entitled to such Renewal, and specify his Residence in Ireland, and Post Town.

XXIX. No Application to the said Ecclesiastical Commissioners for a Renewal of any Lease or Demise shall be valid or effectual within the Meaning of this Act, unless the same shall be in Writing, signed by the Person or Persons entitled to such Renewal, or his, her, or their Agent or Agents, and unless the same shall specify some House or Place in *Ireland*, together with the Post Town thereof, as the House or Place to which all Notifications and Communications which may become necessary to be made or sent by or on behalf of the said Commissioners in relation to such Renewal may be addressed; and every Notification of the Fine or Fines for Renewal to be paid to the said Ecclesiastical Commissioners for any such Renewal which shall be delivered at any such House or Place, or shall be addressed to the Person or Persons by whom such Application shall be signed, at such House or Place, and Post Town so specified as aforesaid, and transmitted so addressed through the General Post Office, shall thereupon be deemed and taken to be a due Notification thereof pursuant to this Act.

XXX. It

XXX. It shall be lawful for the said Ecclesiastical Commissioners for *Ireland*, out of the Funds and Moneys from Time to Time in their Hands arising from the Sale of Perpetuities in any Lands, Tenements, and Hereditaments belonging or formerly belonging to any Archbishop, Bishop, or any other Ecclesiastical Corporation Sole, in case they shall think it fit and expedient so to do, to advance, by way of Loan, any Sum or Sums of Money for the Purpose of enabling any Rector, Vicar, or Perpetual Curate of any Parish or District Parish having no suitable House or Place of Residence, to build, improve, or purchase a suitable Residence within such Rectory, Vicarage, or District, or to discharge any Debt previously incurred by such Rector, Vicar, or Perpetual Curate for such Purpose, and secured by Mortgage, under the Act of the Fourteenth and Fifteenth Years of Her Majesty, Chapter Seventy-three, such Money to be secured by Mortgage of the Glebe Lands, Tithes, Rents, Rentcharge, and other Profits and Emoluments of such Rectory, Vicarage, or Perpetual Curacy, according to the Provisions of the last-mentioned Act: Provided always, that no Sum so to be advanced shall in any Case, together with the Sum already charged (if any) on the Benefice, and recoverable against the next Successor, exceed the Amount of Two Years net Income of such Rectory, Vicarage, or Curacy, in estimating which Income the annual Instalment only (if any) payable to the Ecclesiastical Commissioners on Foot of any Loan from the late Board of First Fruits shall be deducted; and that the Rate of Interest for the Loan of any such Sum shall not be less than Four Pounds Sterling *per Centum per Annum;* and the Instalments or annual Sum payable to the said Commissioners, or other Mortgagee under the said Act, by such Rector, Vicar, or Perpetual Curate, and his Successors, on Foot of such Loan, shall be allowed by the said Ecclesiastical Commissioners in the Valuation of such Rectory, Vicarage, or Curacy, for the Purposes of the Tax payable under the Provisions of the Act of the Third and Fourth Years of King *William* the Fourth, Chapter Thirty-seven.

Commissioners may lend Money out of the Perpetuity Purchase Fund for building Glebe Houses.

Instalments payable on Foot of Loan to be allowed in Valuation of Rectory, &c. for the Purpose of Tax.

XXXI. It shall be lawful for the said Commissioners, if they shall think fit, to reduce the Amount or forego the Collection of any Instalments due by any Rector, Vicar, or Perpetual Curate on Foot of any Loan made to the Predecessors of such Rector, Vicar, or Perpetual Curate, by the Trustees and Commissioners of First Fruits in *Ireland*, for purchasing, building, repairing, or enlarging any Glebe House of which such Rector, Vicar, or Perpetual Curate shall not be in actual Possession or Occupation.

Commissioners may forego Collection of Loans by Commissioners of First Fruits for Erection of Glebe Houses.

XXXII. From and after the passing of this Act it shall be lawful for the said Ecclesiastical Commissioners, if they shall think fit, out

Power to apply any Part of the

Funds vested in them (except Boulter's and Robinson's) to augment small Benefices.

out of any of the Funds or Properties now vested, or which may hereafter become vested in them by virtue of any Act heretofore passed or which may hereafter be passed, or out of the Interest, Dividends, or Proceeds of such Funds or Properties as aforesaid (save and except the Properties and Funds respectively bequeathed by Doctor *Hugh Boulter* and Doctor *Richard Robinson*, and formerly vested in the Trustees and Commissioners of First Fruits in *Ireland*, and the Interest, Dividends, and Proceeds thereof respectively, and also save and except such other Funds and Properties as have been heretofore or may be hereafter bequeathed to and vested in the said Ecclesiastical Commissioners for any special Purposes), after due and reasonable Provision shall have been made for the several Objects and Purposes specified in the Sixty-third and Seventy-first Sections of the Act of the Third and Fourth Years of His Majesty King *William* the Fourth, Chapter Thirty-seven, and not sooner, to augment any Benefice with Cure of Souls, Living, or Curacy, appropriate or impropriate, or to increase the Maintenance of any Parson, Vicar, Curate, or Minister officiating in any Church or Chapel or licensed Place of Worship in *Ireland*, where the Liturgy and Rites of the United Church of *England* and *Ireland*, as now by Law established, are or shall be used and observed, and which shall appear to them to be under the clear yearly Value of Two hundred Pounds (after allowing the Deductions mentioned in the said Act of the Third and Fourth Years of His Majesty King *William* the Fourth, Chapter Thirty-seven,) either by the Purchase of Glebes or other Lands or Composition for Tithes, or both, or by granting to the Incumbent of such Benefice or Living, or to such Parson, Vicar, Curate, or Minister, an annual Salary to be paid out of the Rents, Issues, and Profits of the several Lands or Tenements, and the Interests or Dividends of the several Moneys and Properties by the said Act vested in such Commissioners as aforesaid, or in any other Manner as to the said Commissioners shall seem fit: Provided always, that the Value of such Benefice, Living, Maintenance, or Curacy, together with such Augmentation as aforesaid, shall not in the whole exceed the Value of Two hundred Pounds by the Year; and provided also, that nothing herein contained shall be deemed or taken to alter or affect any of the Provisions or Enactments contained in the Sections Ninety-four to One hundred and five of the said Act.

Distinct and separate Accounts to be kept in the Books of the Commissioners of all

XXXIII. From and after the passing of this Act, a distinct and separate Account shall be opened and kept in the Books of the Ecclesiastical Commissioners of all Sums which shall from Time to Time be granted or applied from or out of the Funds or Property vested in them as aforesaid, or out of the Interest, Dividends, or Proceeds thereof,

thereof, for the Augmentation of any Benefice with Cure of Souls, Living or Curacy, appropriate or impropriate, or for the Maintenance of any Parson, Vicar, Curate, or Minister officiating in any Church, Chapel, or licensed Place of Worship in *Ireland*, showing thereby the particular Fund or Property from which each such Sum shall be so granted or applied.

Sums applicable for Augmentation Purposes.

XXXIV. From and after the passing of this Act, all Mortgages of Lands or Premises held under any Archbishop, Bishop, or other Ecclesiastical Corporation Sole in *Ireland*, or under the Ecclesiastical Commissioners, which shall be made by any Tenant or Lessee thereof, or by any Under-tenant thereof, in lieu of Payment of the Purchase Money for any Perpetuity, Grant, or Conveyance made under the Provisions of the Act of the Third and Fourth Years of His Majesty King *William* the Fourth, Chapter Thirty-seven, or of any Act or Acts passed for altering or amending the same, shall be made and executed to and to the Use of the said Ecclesiastical Commissioners for *Ireland*, and their Successors and Assigns.

Mortgages to be made to Commissioners.

XXXV. No Mortgage made or executed under this Act, nor any Mortgage heretofore made or executed to the said Commissioners for securing the Payment of the Purchase Money for any Perpetuity granted under the said Acts herein-before mentioned, or any of them, or any Portion of such Purchase Money, shall in any Manner prejudice or affect the Rights or Remedies at Law or in Equity of the said Ecclesiastial Commissioners, in respect of the Rent or Rents reserved by any Perpetuity Grant made or executed under the Acts relating to the Temporalities of the Church in *Ireland*, or any of them, but the said Commissioners shall have and enjoy all the same Rights, Remedies, and Powers of suing or proceeding in any Court of Law or Equity for Recovery of the Rent or Rents reserved or payable under any such Perpetuity Grant as aforesaid, as if such Mortgage had not been made and executed to the said Commissioners, and as if the legal Estate in the Lands or Premises comprised in any such Perpetuity Grant as aforesaid were at the Time of any such Suit or Proceeding for Recovery of such Rent or Rents vested in the Tenant, Lessee, or Under-tenant (as the Case may be) to whom such Perpetuity Grant shall have been made, or in the Heirs or Assigns of such Tenant, Lessee, or Under-tenant, as the Case may be.

Mortgages not to affect Rights reserved.

XXXVI. From and after the passing of this Act, it shall be lawful for the Ecclesiastical Commissioners to contribute to the Repair of the Cathedral Church of the *Holy Trinity* of *Down*, though non-parochial; and the several Provisions in the Acts of the Third and

Power to repair Cathedral Church of the Holy Trinity, Down.

Fourth Years of King *William* the Fourth, Chapter Thirty-seven, and of the Sixth and Seventh Years of the same Reign, Chapter Ninety-nine, shall apply to such Cathedral Church.

Ecclesiastical Commissioners empowered to pay Perpetual Curates for the Parish of Monkstown.

XXXVII. Whereas it is expedient to make further and better Provision for the Spiritual Wants of Portions of the Union of *Monkstown* in the County and Diocese of *Dublin*, and for the more convenient Celebration of Divine Service therein: And whereas it is for that Purpose proposed and intended to erect and assign the Parish of *Tullow* and the Parish of *Kill*, within the said Union, into separate particular Parochial Districts, or Portions of particular Parochial Districts, pursuant to the Provisions of the Act of the Fourteenth and Fifteenth Years of Her Majesty, Chapter Seventy-two: Be it enacted, That whenever the Parishes of *Tullow* and *Kill*, or either of them, shall be erected into a particular Parochial District, or Portions of particular Parochial Districts, it shall or may be lawful for the Ecclesiastical Commissioners of *Ireland*, and their Successors, to pay from Time to Time, out of the Funds in their Hands, to such Persons as shall from Time to Time be duly nominated and appointed to the Perpetual Curacy of such Parish or Parochial District, and licensed by his Grace the Archbishop of *Dublin* (and so long as such Person shall hold the Cure of Souls within such Parochial District), an annual Sum not exceeding One hundred Pounds.

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ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

***

Years of Age to be employed in Mines.

Colliery to employ any Male Person under the Age of Twelve Years within such Mine or Colliery, or to permit any such Male Person to work or be therein for the Purpose of working therein other than such as at the passing of this Act shall have attained the Age of Ten Years, and were at or before the passing of this Act employed within the same or some other Mine or Colliery; and the said Act of the Fifth and Sixth Years of Her Majesty, and all the Provisions and Penalties thereof, shall be construed and take effect as if the Age of Twelve Years had been mentioned in Section Two of the said Act instead of the Age of Ten Years, subject to the Proviso hereinafter contained.

Exception for Boys between Ten and Twelve who have Certificates as to Education and School Attendance.

II. Provided, That a Boy above the Age of Ten Years and under the Age of Twelve Years may be employed in a Mine or Colliery upon either of the following Conditions; that is to say,

That before any such Boy is so employed the Owner of the Mine shall, after the First of *July* One thousand eight hundred and sixty-one, obtain a Certificate under the Hand of a competent Schoolmaster that such Boy is able to read and write:

Or, That in the Second and every subsequent Lunar Month during which such Boy is employed in such Mine or Colliery the Owner shall obtain a Certificate under the Hand of a competent Schoolmaster that such Boy has attended School for not less than Three Hours a Day for Two Days in each Week during the Lunar Month immediately preceding, exclusive of any Attendance on *Sundays:*

And the Owner shall file and preserve such Certificates as aforesaid so long as such Boy shall continue in the Employment, and during Six Months after the Termination of such Employment, and shall produce during such Time such Certificates to any Inspector under the said Act of the Fifth and Sixth Years of Her Majesty, or to any Inspector of Coal Mines and Ironstone Mines, when required so to do by any such Inspector.

Penalty on Grant of false Certificates.

III. Every Person giving a false Certificate for the Purposes of this Act shall for every such Offence forfeit a Sum not more than Ten Pounds nor less than Five Pounds; and such Offence shall be dealt with as an Offence against the said Act of the Fifth and Sixth Years of Her Majesty.

Recital of Sect. 8. of 5 & 6 Vict. c. 99.

IV. And whereas by Section Eight of the said Act of the Fifth and Sixth Years of Her Majesty it is provided, that where there shall be any Entrance to a Mine or Colliery by means of a Vertical Shaft

or

or Pit or Inclined Plane, or where there shall be any Communication within any Part of a Mine or Colliery to any other Part thereof by a Vertical Shaft or Pit or Inclined Plane, then it shall not be lawful for any Owner of any such Mine or Colliery to allow any Person or Persons, other than a Male of the Age of Fifteen Years and upwards, to have Charge of any Steam Engine or other Engine, Windlass, or Gin (whether driven or worked by manual Labour or any other Power whatsoever), or to have Charge of any Part of the Machinery, Ropes, Chains, or other Tackle of any such Engine, by or by means of which Engine, Machinery, Ropes, Chains, or other Tackle, Persons are brought up or passed down any such Vertical Shaft or Pit or Inclined Plane:

Steam Engines in certain Cases not to be under the Charge of Persons under 18.

It shall not be lawful in any such Case as in the said Provision mentioned for the Owner of the Mine or Colliery to allow any Person, other than a Male of the Age of Eighteen Years or upwards, to have Charge of any Steam Engine or of any Part of the Machinery, Ropes, Chains, or other Tackle of any such Engine, by or by means of which Engine, Machinery, Ropes, Chains, or other Tackle, Persons are brought up or passed down any such Vertical Shaft, or Pit, or Inclined Plane; and any Person offending against this Enactment shall be subject to the Penalty imposed by the recited Provision for offending against the same.

Foregoing Provisions to be construed with 5 & 6 Vict. c. 99.

V. The foregoing Provisions of this Act shall extend to all Mines in *Great Britain*, and shall be construed with the said Act of the Fifth and Sixth Years of Her Majesty as One Act.

II.—*Provision for Inspection and Regulation of Coal Mines and Ironstone Mines.*

18 & 19 Vict. c. 108. repealed.

VI. The said Act of the Eighteenth and Nineteenth Years of Her Majesty shall be repealed: Provided always, that the Inspectors of Coal Mines appointed under such Act shall continue to be Inspectors under this Act of the Mines to which the Provisions herein-after contained extend, subject nevertheless to Removal by One of Her Majesty's Principal Secretaries of State, and subject to all other the same Provisions and with the same Powers as if appointed under this Act; provided also, that all Penalties incurred under the said Act before the Repeal thereof may be proceeded for and applied as if this Act had not been passed.

Mines to which Part 2. of this Act is to extend

VII. The Provisions herein-after contained shall extend to all Coal Mines and Collieries and Mines of Ironstone of the Coal Measures and worked

Interpretation of Terms.

worked in connexion with Coal or with any disused or exhausted Coal Mines; and in the Construction of such Provisions the Terms "Coal Mine or Colliery or Ironstone Mine" shall mean every such Mine and Colliery as aforesaid, and every Shaft in the course of being sunk, and every Level or Inclined Plane in the course of being driven for commencing or opening any such Mine, and all the Works belonging thereto respectively; the Term "Owner" shall mean the immediate Proprietor, Lessee, or Occupier of a Coal Mine or Colliery or Ironstone Mine, or of any Part thereof; and the Term "Agent" of a Coal Mine or Colliery or Ironstone Mine shall mean any Person having on behalf of the Owner the Care or Direction thereof; and the Term "Inspector" or "Inspectors" shall respectively mean an Inspector or Inspectors of Coal Mines and Ironstone Mines appointed or continued under this Act; and the Term "District" shall mean the Portion of *Great Britain* assigned or which shall be assigned to any One of such Inspectors; and the Word Sheriff shall include Sheriff Substitute.

Power to Secretary of State to appoint Inspectors of Mines.

VIII. It shall be lawful for One of Her Majesty's Principal Secretaries of State from Time to Time to appoint any fit Person or Persons to be an Inspector or Inspectors of Coal Mines and Ironstone Mines under this Act, and from Time to Time to remove any such Inspector or Inspectors; and Notice of the Appointment of every such Inspector shall be published in the *London Gazette*.

No Land Agent or Manager of Mine to act as Inspector.

IX. No Person who shall act or practise as a Land Agent or as a Manager, Viewer, or Agent, or Mining Engineer, or Valuer of Mines, or Arbitrator in any Matters of Dispute arising between Owners of Mines, or be otherwise employed in any Mine, shall act as an Inspector of Mines under this Act.

General Rules to be observed in Coal and Ironstone Mines.

X. The following Rules (herein-after referred to as the General Rules) shall be observed in every Colliery or Coal Mine and Ironstone Mine by the Owner and Agent thereof:

1. An adequate Amount of Ventilation shall be constantly produced in all Coal Mines or Collieries and Ironstone Mines to dilute and render harmless noxious Gases to such an Extent that the Working-places of the Pits, Levels, and Workings of every such Colliery and Mine, and the travelling Roads to and from such Working-places, shall, under ordinary Circumstances, be in a fit State for working and passing therein:
2. All Entrances to any Place not in actual course of working and Extension, and suspected to contain dangerous Gas of any Kind, shall be properly fenced off so as to prevent Access thereto:

3. When-

3. Whenever Safety Lamps are required to be used, they shall be first examined and securely locked by a Person or Persons duly authorized for this Purpose:

4. Every Shaft or Pit which is out of Use, or used only as an Airpit, shall be securely fenced:

5. Every working and pumping Pit or Shaft shall be properly fenced, when Operations shall have ceased or been suspended:

6. Every working and pumping Pit or Shaft where the natural Strata, under ordinary Circumstances, are not safe, shall be securely cased or lined or otherwise made secure:

7. Every working Pit or Shaft shall be provided with some proper Means of communicating distinct and definite Signals from the Bottom of the Shaft to the Surface, and from the Surface to the Bottom of the Shaft:

8. All underground self-acting and Engine Planes on which Persons travel are to be provided with some proper Means of signalling between the Stopping-places and the Ends of the Planes, and with sufficient Places of Refuge at the Sides of such Planes at Intervals of not more than Twenty Yards:

9. A sufficient Cover overhead shall be used when lowering or raising Persons in every working Pit or Shaft where required by the Inspectors:

10. No single-linked Chain shall be used for lowering or raising Persons in any working Pit or Shaft, except the short Coupling Chain attached to the Cage or Load:

11. Flanges or Horns of sufficient Length or Diameter shall be attached to the Drum of every Machine used for lowering or raising Persons:

12. A proper Indicator to show the Position of the Load in the Pit or Shaft, and also an adequate Break, shall be attached to every Machine, worked by Steam or Water Power, used for lowering or raising Persons:

13. Every Steam Boiler shall be provided with a proper Steam Gauge, Water Gauge, and Safety Valve:

14. The Fly Wheel of every Engine shall be securely fenced:

15. Sufficient Bore Holes shall be kept in advance, and, if necessary, on both Sides to prevent Inundations in every Working approaching a Place likely to contain a dangerous Accumulation of Water.

XI. In addition to the General Rules, there shall be established and observed in every Coal Mine, Colliery, or Ironstone Mine such other Rules

Special Rules to be also established.

Rules (herein-after referred to as Special Rules) for the Conduct and Guidance of the Persons acting in the Management of such Coal Mine, Colliery, or Ironstone Mine, and of all Persons employed in or about the same, as under the particular State and Circumstances of such Coal Mine, Colliery, or Ironstone Mine may appear best calculated to prevent dangerous Accidents.

Present Special Rules to continue in force.

XII. The Special Rules now established and in force under the Act hereby repealed, in any Coal Mine or Colliery, shall remain and be the Special Rules therein, and be of the same Force and subject to be amended by the same Authority and in like Manner as if established under this Act.

New Special Rules how to be established.

XIII. The Owner of every Ironstone Mine and of every Coal Mine or Colliery, in which Special Rules are not now established and in force as aforesaid, shall frame and transmit to One of Her Majesty's Principal Secretaries of State Special Rules for such Ironstone Mine and Coal Mine or Colliery respectively; provided always, that such Special Rules shall be hung up in the Manner provided in the Fifteenth Section of this Act for the Period of Fourteen Days before the same are transmitted to the Secretary of State; such Special Rules for every such Mine or Colliery in work at the Commencement of this Act to be framed and transmitted as aforesaid within Three Months after such Commencement, and for every such Mine or Colliery not then in work to be so framed and transmitted within Three Months after the working of such Mine or Colliery shall be commenced or renewed; and such Rules if not objected to by such Secretary of State within Forty Days from the Day upon which they are received by him shall be established:

If such Secretary of State be of opinion that such Rules, or any of them, do not sufficiently provide for the Safety of the Persons employed in or about such Mine or Colliery, he may within such Forty Days propose any Alterations in or Additions to such Special Rules, or the Substitution of any other Rules for such Special Rules or any of them:

If such Owner within Twenty Days object to any such Alterations or Additions or Rules by way of Substitution proposed as aforesaid, he may within Fourteen Days after he has so objected nominate Five or more practical Mining Engineers or other competent Persons of Experience, and who shall not be interested in or employed in the Management of such Mine or Colliery, of whom such Secretary of State shall appoint One or more to be an Arbitrator or Arbitrators, to determine the Matters in difference, and to decide what Special Rules shall be established in such Mine or Colliery, and the

the Determination of such Arbitrator, or of such Arbitrators or the Majority of them, if more than One, shall be final, and the Special Rules shall be established accordingly:

If such Owner do not within such Fourteen Days nominate such Mining Engineers or other competent Persons as aforesaid, then Two such Mining Engineers, or other competent Persons as aforesaid, shall be appointed Arbitrators, One of whom shall be named by such Owner and the other by the Inspector of the District:

The said Arbitrators so appointed shall, before they proceed in the Arbitration, appoint a Third Person being such Mining Engineer, or other competent Person as aforesaid, to be their Umpire in case of Difference of Opinion between them, and in case such Arbitrators so appointed refuse or neglect to appoint such Umpire as aforesaid for the Space of Seven Days after their Appointment, or of the Appointment of such One of them as was last appointed, the Chairman of the General or Quarter Sessions of the Peace in and for the County, Riding, or Division where such Mine or Colliery may be situate in *England*, and the Sheriff of the County or Division of the County where such Mine or Colliery may be situate in *Scotland*, upon the Application in Writing by or on behalf of such Owner, or the Inspector of the District, shall appoint such Umpire; and the Determination of such Arbitrators and the said Umpire, or of any Two of them, shall be final, and the Special Rules shall be established accordingly:

In case of the Death, Incapacity, or Refusal or Neglect to act of any Arbitrator appointed under this Act, another Arbitrator shall be appointed in his Place in manner following; (that is to say,) in case the Place to be supplied be that of an Arbitrator appointed from among the Nominees of the Owner of a Mine or Colliery, then another Arbitrator shall be appointed by the Secretary of State from among such of the said Nominees as may not have been appointed as herein-before mentioned an Arbitrator or Arbitrators, or in case of Notice to that Effect from the Secretary of State to such Owner, shall be appointed by the Secretary of State from among Five competent Persons to be, within Fourteen Days after Receipt of such Notice, nominated by such Owner to the Secretary of State; and in case the Vacancy be that of an Arbitrator appointed by the Owner or the Inspector of the District, such Vacancy shall be supplied by such Owner or the Inspector of the District, as the Case may require; and in case of the Death, Incapacity, or Refusal or Neglect to act of any Umpire appointed as aforesaid, or of the Death, Incapacity, or Refusal or Neglect to act of either of the Arbitrators originally appointed before the Appointment of an Umpire, the Provisions herein contained concerning the Appointment of an Umpire by such Arbitrators,

trators, and concerning the Appointment of an Umpire in default of such Appointment by such Arbitrators, shall respectively be applicable to authorize the Appointment of such Umpire by the Arbitrators for the Time being, and to the Case of Default by them to make such Appointment within Seven Days after Notice in Writing from either of the Arbitrators to the other of them of the Death, Incapacity, or Refusal or Neglect to act of the Umpire, and to the Case of Default by the Arbitrators for the Time being to appoint an Umpire within Seven Days after their Appointment, or of the Appointment of such One of them as was last appointed:

If such Owner do not within Twenty Days from the Day on which such Alterations or Additions or such Rules by way of Substitution are proposed to him object to the same, or (not having made such Nomination to the Secretary of State as herein provided) do not within Fourteen Days after having objected as aforesaid appoint an Arbitrator, and give Notice in Writing of such Appointment to the Inspector of the District, or in case of the Death, Incapacity, or Refusal or Neglect to act of any Arbitrator appointed from among Nominees of such Owner, do not, within Fourteen Days after Receipt of such Notice from the Secretary of State as aforesaid, nominate Five competent Persons to the Secretary of State as aforesaid, or do not within the like Period after Notice to such Owner by the Inspector of the District of the Death, Incapacity, or Refusal or Neglect to act of any Arbitrator appointed by such Owner, appoint an Arbitrator, and give Notice in Writing of such Appointment to the Inspector of the District, the Special Rules framed by such Owner as altered, added to, or modified by the Secretary of State shall be established:

The Amount of Payment to be made to the Arbitrator or Arbitrators and Umpire (if any) for his or their Services shall be fixed by the Secretary of State, and paid in equal Moieties by the Owner of the Mine or Colliery to which the Arbitration relates, and the Commissioners of Her Majesty's Treasury, who are hereby authorized to make such Payment accordingly out of any Monies provided by Parliament for that Purpose.

Special Rules may be amended from Time to Time.

XIV. Provided, That after such Special Rules are established it shall be lawful for the Owner of the Mine or Colliery to propose from Time to Time in Writing to One of Her Majesty's Principal Secretaries of State any Amendment of such Rules, and the Provisions in relation to the original Special Rules framed by the Owner, and Proposals in relation thereto by the Secretary of State, and the first Establishment of Special Rules, shall apply to the Amendments so proposed; and the Secretary of State may, from Time to Time propose

propose in Writing to the Owner of a Mine or Colliery any Amendments to the Special Rules thereof; and the Provisions in relation to Alterations or the Substitution of other Rules proposed by the Secretary of State where original Special Rules are transmitted to him, and the Establishment of Rules or Modifications of Rules proposed by him, shall apply to the Amendments so proposed by him under this Enactment.

Publication of Rules.

XV. For the Purpose of making known the General Rules and Special Rules to all Persons employed in or about each Coal Mine, Colliery, or Ironstone Mine, the Owner or Agent thereof shall cause the General Rules and the Special Rules for such Coal Mine, Colliery, or Ironstone Mine to be painted on a Board or printed upon Paper to be pasted thereon, and shall cause such Board to be hung up or affixed on some conspicuous Part of the principal Office or Place of Business at the Coal Mine, Colliery, or Ironstone Mine, and at the Place where the Workmen are paid; and the General Rules and Special Rules so painted or printed and hung up shall be renewed and restored with all reasonable Despatch as often as the same or any Part thereof may be defaced, obliterated, or destroyed; and a printed Copy of such General and Special Rules shall be supplied to all Persons employed in and about the same who shall apply for such Copy.

Powers and Duties of Inspectors.

XVI. It shall be lawful for any Inspector to enter, inspect, and examine any Coal Mine, Colliery, or Ironstone Mine, and the Works and Machinery belonging thereto, at all reasonable Times, by Day or Night, but so as not to impede or obstruct the working of the said Coal Mine, Colliery, or Ironstone Mine, and to make Inquiry into and touching the State and Condition of such Coal Mine, Colliery, or Ironstone Mine, Works, and Machinery, and the Ventilation of such Coal Mine, Colliery, or Ironstone Mine, and the Mode of lighting or using Lights in the same, and into all Matters and Things connected with or relating to the Safety of the Persons employed in or about the same, and especially to make Inquiry whether the Provisions of this Act are complied with in relation to such Coal Mine, Colliery, or Ironstone Mine; and the Owner or Agent of such Coal Mine, Colliery, or Ironstone Mine is hereby required to furnish the Means necessary for such Entry, Inspection, Examination, and Inquiry.

Inspector to give Notice of Causes of Danger not provided for by the Rules.

XVII. If any Inspector find on any such Inspection, Examination, or Inquiry, any Mine or Colliery, or the Works or Machinery belonging thereto, or any Matter, Thing, or Practice in or connected with such Mine or Colliery, to be (otherwise than as provided against by any express Provision of this Act, or the General or Special Rules thereunder,) dangerous or defective, so as in his Opinion to threaten

threaten or tend to the bodily Injury of any Person, such Inspector shall give Notice in Writing to the Owner or Agent of such Mine or Colliery of the particular Grounds on which such Inspector is of Opinion that the said Mine or Colliery, or any Part thereof, or any other of the Particulars aforesaid, is dangerous or defective, and shall also report the same to one of Her Majesty's Principal Secretaries of State:

If the Owner or Agent object to remove or remedy the Danger or Defect which is the Subject of such Notice, he may within Twenty Days after the Receipt of such Notice give Notice in Writing of the Objections of such Owner or Agent, and of the Grounds thereof, to the said Inspector and to One of Her Majesty's Principal Secretaries of State, and nominate to such Secretary of State Five or more practical Mining Engineers or other competent Persons of Experience who shall not be interested in or employed in the Management of such Mine or Colliery, of whom the Secretary of State shall appoint One or more to be an Arbitrator or Arbitrators, and thereupon further Proceedings shall be had for the Determination of the Matters in difference by Arbitration, as herein provided in the Case of the Special Rules:

If such Owner or Agent do not give such Notice and make such Nomination as aforesaid within the Time aforesaid, the Owner of such Mine or Colliery shall be liable to a Penalty of One Pound for every Day beyond the said Twenty Days during which he neglects to take proper and active Measures for removing or remedying the Danger or Defect which is the Subject of the said Notice given by the Inspector:

If the said Owner or Agent give such Notice and make such Nomination as aforesaid within the Time aforesaid, and the Matters in difference be determined by Arbitration, then if, after the said Owner or Agent has been furnished with a Copy of the Award attested by the Inspector for the District, the said Owner or Agent neglect forthwith to take proper and active Measures for removing or remedying any Danger or Defect which according to such Award ought to be removed or remedied, the Owner of such Mine or Colliery shall be liable to a Penalty of One Pound for every Day after the Receipt by the said Owner or Agent of such Copy of the Award during which the said Owner or Agent so neglects.

Owners of Mines to produce Maps or Plans of Mines to Inspector.

XVIII. The Owner or Agent of every Coal Mine, Colliery, or Ironstone Mine shall, on the Occasion and for the Purpose of the Inspection and Examination thereof, produce and submit for Examination to any such Inspector as aforesaid at the Mine which is to be inspected

inspected an accurate Map or Plan of the Workings of such Coal Mine, Colliery, or Ironstone Mine; and if such Owner or Agent do not produce and submit for Examination as aforesaid such a Map or Plan as aforesaid, or if any such Inspector as aforesaid find that any Portion of any Map or Plan is withheld, or any Part of the Workings of any such Coal Mine, Colliery, or Ironstone Mine is concealed from his Inspection, or if he find, on examining and verifying any Map or Plan, that the same is imperfect or inaccurate, he is hereby empowered to require that an accurate Map or Plan of the actual Workings of such Coal Mine, Colliery, or Ironstone Mine be made within a reasonable Time by and at the Expense of the Owner of such Coal Mine, Colliery, or Ironstone Mine, on a Scale of not less than Two Chains to One Inch, or on such other Scale as the Plan then used in the Mine is constructed on; and every such Map or Plan as aforesaid shall show the Workings of the Mine up to within Six Months of the Time of Inspection; and the Owner or Agent of the Coal Mine, Colliery, or Ironstone Mine shall, if required so to do by any such Inspector as aforesaid, mark or cause to be marked on such Map or Plan the Progress of the Workings of the Coal Mine, Colliery, or Ironstone Mine up to the Time of his Inspection thereof: Provided that nothing herein contained shall be construed to authorize any Inspector to make a Copy of the whole or any Part of a Map or Plan which shall be produced or made.

If Owners do not produce Maps, &c. Inspector may require them to be made.

XIX. If and when Loss of Life or any personal Injury to any Person employed in or about any Coal Mine, Colliery, or Ironstone Mine occurs by reason of any Explosion, and if and when Loss of Life or serious personal Injury to any Person so employed occurs by reason of any other Accident whatever within such Coal Mine, Colliery, or Ironstone Mine, or any Pits or Shafts thereof, or any Works or Machinery connected with such Pits or Shafts, the Owner or Agent of such Coal Mine, Colliery, or Ironstone Mine shall, within Twenty-four Hours next after such Accident, send Notice of such Accident, and the Loss of Life or personal Injury occasioned thereby, under the Hand of such Owner or Agent, in *England* to One of Her Majesty's Principal Secretaries of State, in *Scotland* to the Lord Advocate, and in all Cases to the Inspector of the District within which such Accident shall occur, and shall specify in such Notice the probable Cause of such Accident, and such Notice may be sent through the Post Office by Letter addressed to such Secretary of State or Lord Advocate, and to the Inspector of the District at his usual Place of Residence; and every Owner or Agent who neglects to send or cause to be sent such Notice as aforesaid within the Time aforesaid shall for such Offence be liable to a Penalty not exceeding Twenty Pounds.

Notice of Accidents in Mines to be given to Secretary of State.

XX. Every

Provision for Adjournment of Inquests on Deaths from Accidents in Mines in certain Cases.

XX. Every Coroner holding an Inquest upon the Body of any Person whose Death may have been caused by any such Accident as aforesaid shall, unless the Inspector of the District or some Person on behalf of the Secretary of State be present to watch the Proceedings at such Inquest, adjourn such Inquest, and by Letter sent through the Post Office, Four Days at the least before holding such adjourned Inquest, addressed to the Inspector of the District, give Notice to such Inspector of the Time and Place of holding the same; provided that such Coroner may before the Adjournment of any such Inquest take Evidence to identify the Body, and may order the Interment thereof; provided also, that if the Accident has not occasioned more than One Death, and Notice of the Inquest has been given by the Coroner to the Inspector of the District by Letter sent through the Post Office not less than Forty-eight Hours before the Time of holding the Inquest, it shall not be imperative on the Coroner to adjourn such Inquest as aforesaid, in case the Majority of the Jury think it unnecessary so to adjourn; and the Inspector shall be at liberty to examine any Witness at any such Inquest, subject to the Order of the Coroner.

Notice to be given to Inspector of the Abandonment and Opening of Mines.

XXI. Where any Coal Mine, Colliery, or Ironstone Mine is abandoned, or the Working thereof discontinued, or where the Working thereof is recommenced after Abandonment or Discontinuance, for a Period exceeding Two Months, or where any Workings are commenced for the Purpose of opening a new Coal Mine or Ironstone Mine, the Owner or Agent of the respective Mine or Working shall in every such Case give Notice thereof to the Inspector of the District, by Letter sent through the Post Office, within Two Months after such Abandonment, Discontinuance, Recommencement, or Commencement of working, as the Case may be; and where any such Mine or Colliery is abandoned, or the working thereof discontinued, the Owner thereof shall cause the same to be, and to be kept, securely fenced, for the Prevention of Accidents.

Penalties for Offences against this Act.

XXII. If any Coal Mine, Colliery, or Ironstone Mine be worked, and, through the Default of the Owner or Agent thereof, Special Rules have not been established for the same, according to the Provisions of this Act, or the General Rules, or the Special Rules for such Coal Mine, Colliery, or Ironstone Mine, by this Act required to be established, have not been hung up or affixed, or have not, after Obliteration or Destruction, been renewed or restored, as required by this Act, or any of such General Rules or Special Rules, Provisions of which ought to be observed by the Owner and principal Agent or Viewer of such Coal Mine, Colliery, or Ironstone Mine, be neglected or wilfully violated by any such Owner, Agent, or Viewer, such Person

Person shall be liable to a Penalty of not exceeding Twenty Pounds; and also, in case the Default or Neglect be not remedied with all reasonable Despatch, after Notice in Writing thereof given by an Inspector to the Owner or Agent of such Coal Mine, Colliery, or Ironstone Mine, to a further Penalty of One Pound for every Day during which the Offence continues after such Notice; and every Person, other than aforesaid, employed in or about a Coal Mine, Colliery, or Ironstone Mine, who neglects or wilfully violates any of the Special Rules established for such Coal Mine, Colliery, or Ironstone Mine, shall for every such Offence be liable, upon a summary Conviction for the same before Two Justices of the Peace, or in *Scotland* before the Sheriff having Jurisdiction in the County or Place where the Offence is committed, to a Penalty not exceeding Two Pounds, or to be imprisoned, with or without Hard Labour, in the Common Gaol or House of Correction for any Period not exceeding Three Calendar Months: Provided always, that no Justice of the Peace being the Owner of the Mine, or the Father, Son, Brother, or Agent of any Owner of the Mine, in which the Offence set forth in the Complaint shall have been committed, shall, at the Hearing of any Complaint or Charge, act as a Justice of the Peace for the Purposes of Conviction or Adjudication in any Cases of Dispute or Difference between Persons employed in working Mines and their Employers in which Justices of the Peace have Jurisdiction.

Penalty for obstructing Inspectors.

XXIII. Every Person who wilfully obstructs any Inspector in the Execution of this Act, and every Owner or Agent of any Coal Mine, Colliery, or Ironstone Mine who refuses or neglects to produce, as herein-before required, a Map or Plan of the Workings of the Mine to any Inspector, or to furnish to such Inspector the Means necessary for making any Entry, Inspection, Examination, or Inquiry under this Act, or who neglects or wilfully violates any Provision of this Act for the Neglect or Violation of which no other Penalty is hereby imposed, shall for every such Offence be liable to a Penalty not exceeding Ten Pounds.

Penalty for defacing Notices.

XXIV. Every Person who pulls down, injures, or defaces any Notice hung up or affixed as required by this Act shall for every such Offence be liable to a Penalty of not exceeding Forty Shillings.

Penalties, how recoverable.

XXV. All Penalties imposed by this Act may be recovered in a summary Manner before Two Justices of the Peace, or in *Scotland* before the Sheriff having Jurisdiction in the County or Place where the Offence is committed, in the Manner prescribed by the Law in that Behalf, the Information to be laid, or Action raised, within Three

Months after the Commission of the Offence; and it shall be lawful for One of Her Majesty's Principal Secretaries of State to direct that any Penalty imposed for neglecting to send or cause to be sent Notice of any Accident, as required by this Act, or for any Offence against this Act which may have occasioned Loss of Life or personal Injury, shall be paid to or among any of the Family or Relatives of any Person or Persons whose Death may have been occasioned by such Accident or Offence, and not being a Person or Persons who occasioned or contributed to occasion the Accident, or to any Person or Persons, not being the Offender or Offenders, who may have sustained personal Injury occasioned by such Accident or Offence, as he may think fit; and, save as aforesaid, all Penalties imposed by this Act shall, when recovered, be paid into the Receipt of Her Majesty's Exchequer in such Manner as the Commissioners of Her Majesty's Treasury may direct, and shall be carried to and form Part of the Consolidated Fund of the United Kingdom.

Certified Copy of Special Rules to be Evidence.

XXVI. A Copy of the Special Rules for the Time being established in any Coal Mine, Colliery, or Ironstone Mine, certified under the Hands of One of the Inspectors to be a Copy of the Special Rules established in such Coal Mine, Colliery, or Ironstone Mine, shall be Evidence of such Special Rules, and of their being duly established under this Act, without further Proof, and such Inspector shall certify such Copy when required.

Reports of Inspectors to be laid before Parliament.

XXVII. Every Inspector shall on or before the First Day of *March* in every Year make a separate and distinct Report in Writing of his Proceedings during the preceding Year, and shall transmit the same to One of Her Majesty's Principal Secretaries of State, and a Copy of such Report shall be laid before both Houses of Parliament.

Wages to be paid to Person employed in Mines, or his Representative, in Money.

XXVIII. The Wages of each and every Person employed in any Coal Mine, Colliery, or Ironstone Mine shall be paid to him or his Representative authorized or deputed to that Effect by his immediate Employer in Money at an Office to be appointed for that Purpose in the Special Rules for such Mine or Colliery, and such Office shall not be contiguous to any House where Spirits, Wine, Beer, or other Spirituous Liquors are sold; and every Owner or Agent, or such Employer, who shall pay or permit any Wages to be paid contrary to the Provisions of this Act, shall for every such Offence be liable to a Penalty not exceeding Ten Pounds.

Where Payment of Persons employed in Mines is by

XXIX. Where the Persons employed in any Coal Mine, Colliery, or Ironstone Mine are paid by the Weight, Measure, or Gauge of the Coal, Ironstone, or other Material gotten by them, such Coal, Ironstone,

Ironstone, or other Material shall be truly weighed, measured, or gauged accordingly; and it shall be lawful for such Persons, at their own Cost, to station a Person (being One of the Persons for the Time being employed in such Coal Mine, Colliery, or Ironstone Mine,) at the Place appointed for such weighing, measuring, or gauging, in order to take an Account thereof, and to take an Account of the Weight, Measure, or Gauge used therein on behalf of such Persons by whom he is so employed; but such Person so employed shall not be authorized in any way to impede or interrupt the working of the Coal Mine, Colliery, or Ironstone Mine, or to interfere with the weighing, measuring, or gauging, but shall only be authorized to take such Account as aforesaid; and the Absence of such Person shall not be a Reason for delaying or interrupting such weighing, measuring, or gauging.

Weight, &c. an Account may be taken.

XXX. This Act shall not extend to *Ireland*.

Extent of Act.

XXXI. This Act shall commence from the Thirty-first Day of *December* One thousand eight hundred and sixty.

Commencement of Act.

LONDON:
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Printers to the Queen's most Excellent Majesty. 1860.

ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

***

Sched. (A.) Part I.

called the Promoters, shall in the Months of *April* and *May*, or either of them, immediately preceding the Application, publish Notice of their Intention by Advertisement, according to the Regulations contained in Schedule (A.) to this Act, Part I.: Provided always, that it shall not be competent to make Application for a Tramway or Tramways under the Provisions of this Act to unite Places between which Statutory Powers for making a Railway or Railways for directly connecting the same shall have been granted and be in force.

Deposit of Plan, Section, &c. as in Sched. (A.) Part II.

II. On or before the First Day of *May* in the same Year, the Promoters shall deposit with the Secretary of the Grand Jury of any County within which the Tramway is proposed to be made—

1. A Copy of the Advertisement published by them;
2. A published Map to a Scale of not less than a Quarter of an Inch to a Mile, with the Line of the proposed Tramway delineated thereon, so as to show its general Course and Direction;
3. A Plan, Book of Reference, and Section, prepared according to the Regulations contained in Schedule (A.) to this Act, Part II.;

and with the County Surveyor and the Clerk of each Union through which the Tramway is proposed to be made a Copy of each of the same Documents.

Notice to Owners of Lands as in Sched. (A.) Part III.

III. On or before the Second Day of the same Month of *May*, the Promoters shall give to the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers, of all Lands which the Promoters intend to apply for Power to take, Notice of their Intention, according to the Regulations contained in Schedule (A.) to this Act, Part III.

Deposit of Memorial and Estimate, and Lists as in Sched. (A.) Part IV.

IV. On or before the Twelfth Day of the same Month of *May*, the Promoters shall deposit with the Secretary of the said Grand Jury—

1. A Memorial of the Promoters, signed by them or some or One of them, addressed to the Lord Lieutenant in Council, praying for an Order in Council authorizing the making of the Tramway, with a Draft of the proposed Order scheduled to the Memorial;
2. An Estimate of the Expense of the Undertaking, signed by the Person making the same;
3. Lists of the Owners and others to whom the Promoters have given such Notice as is herein-before required, prepared according to the Regulations contained in Schedule (A.) to this Act, Part IV.;

and with the County Surveyor a Duplicate of each of the same Documents.

V. At

V. At the Summer Assizes of the same Year the said Grand Jury shall, on the Application of the Promoters, inquire whether or not the Requirements contained in the foregoing Enactments have been complied with (for which Purpose they shall have Power to summon Witnesses, and require the Production of Documents, and take Evidence on Oath or otherwise), and shall hear any Person interested in contending that such Requirements have not been complied with who shall lodge with the Secretary of the Grand Jury a Memorial complaining of Non-compliance in some Particular specifically stated in such Memorial, and shall then proceed to inquire generally into the *primâ facie* Merits of the Undertaking. With reference thereto the Grand Jury shall take into consideration the Report of the County Surveyor on the Undertaking, (who is hereby required to make a Report thereon to the Grand Jury, and to deliver a Copy thereof to the Promoters Three clear Days at least before the Inquiry by the Grand Jury,) and shall hear in opposition to the Application any Owner, Lessee, or Occupier of any Lands proposed to be taken for the Purposes of the Undertaking, or alleged to be injuriously affected thereby, and any Railway or other Company or Person desiring to be heard in opposition on the Ground of Competition, or any Part of whose Rails, Trams, Stations, Works, or Accommodations is proposed to be taken or in any Manner used or interfered with for the Purposes of the Undertaking, and the Inhabitants of any Town, Place, or District alleged to be injuriously affected by the Undertaking. The Grand Jury shall then approve provisionally or disapprove, as they may think fit, of the Undertaking, with or without Modification, having regard to the Compliance or Noncompliance of the Promoters with the Requirements aforesaid, and to the *primâ facie* Merits of the Undertaking, in engineering, financial, and other respects; and such provisional Approval or such Disapproval (with, in case of Disapproval, the Grounds thereof,) shall be certified in Writing under the Hand of the Secretary of the Grand Jury; and in all Cases where the proposed Undertaking is provisionally approved of by any Grand Jury or Grand Juries, it shall be lawful for any Railway Company or Owner of Land who may have opposed the Application for the same to appeal against any such provisional Approval to the Lord Lieutenant in Council, who shall, as soon as may be, inquire into the Grounds of such provisional Approval, and allow or disallow the Appeal.

Preliminary Inquiry by Grand Jury at Summer Assizes.

VI. Where the proposed Tramway does not lie wholly within One County, the foregoing Enactments shall apply equally to every County within which any Part of it lies, except that the Promoters may, if they think fit, deposit with the Secretary of the Grand Jury, and the Surveyor of any County, and the Clerk of any Union, such Plan, Book

Tramway not wholly in One County.

Book of Reference, Section, Estimate, and Lists only as relate to so much of the proposed Tramway as lies within that particular County.

Appeal to Lord Lieutenant in Council against Disapproval.

VII. Where the proposed Tramway does not lie wholly within One County, and the Undertaking is provisionally approved of by any One of the Grand Juries before whom the Application comes, but is disapproved of by any other or others of such Grand Juries, it shall be lawful for the Promoters to appeal against such Disapproval to the Lord Lieutenant in Council, who shall, as soon as may be, inquire into the Grounds of Disapproval, and allow or disallow the Appeal.

On Disapproval, &c., Application deemed to have failed.

VIII. Where the proposed Tramway lies wholly within One County, and the Grand Jury of that County disapproves of the Undertaking, and also where the proposed Tramway does not lie wholly within One County, and either the Grand Juries of all the several Counties disapprove of the Undertaking, or any One of them disapproves of it, and no Appeal is brought against such Disapproval, or any Appeal brought is disallowed, then and in every such Case the Application of the Promoters shall be deemed to have wholly failed.

On Approval, local public Inquiry by Board of Works as in Sched. (A.) Part V.

IX. In every other Case the Commissioners of Public Works, herein-after called the Board of Works, as soon as may be after such provisional Approval or such Allowance of Appeal as aforesaid, on the Application of the Promoters, and on being furnished by them with Duplicates of all such Plans and other Documents as are herein-before required to be deposited, and with all such other Plans and Documents and all such other Information as the Board of Works may require, shall, by such fit Persons or Person as they shall appoint for the Purpose, make public Inquiry concerning the Merits of the Undertaking (to be held on or near some Part of the Lands proposed to be taken for the Tramway, and according to the Regulations contained in Schedule (A.) to this Act, Part V.), and shall report their Opinion thereon, and by such Report recommend, if they think fit, any such Modification of the Undertaking, in an engineering or financial or other respect, as may seem to them of public or local Advantage.

At Spring Assizes definitive Approval or Disapproval.

X. At the Spring Assizes next after the said Summer Assizes the Grand Jury of each County within which any Part of the proposed Tramway lies, shall on the Application of the Promoters take into consideration the Report of the Board of Works, and also the further Report of the County Surveyor on the Undertaking, (who is hereby required to make a further Report thereon to the Grand Jury,

Jury, and to deliver a Copy thereof to the Promoters Three clear Days at least before the Inquiry by the Grand Jury,) and shall hear in opposition to the Application any such Owner, Lessee, Occupier, Company, Person, or Inhabitants as aforesaid. The Grand Jury shall then definitively approve or disapprove, as they may think fit, of the Undertaking, with or without Modification, having regard to the Merits of the Undertaking in engineering, financial, and other respects, which definitive Approval or Disapproval (with, in case of Disapproval, the Grounds thereof,) shall be certified in Writing under the Hand of the Secretary of the Grand Jury.

Appeal, &c. as before.

XI. On the Conclusion of such Proceedings at the Spring Assizes, the Promoters shall have the like Right of Appeal as is herein-before given to them in respect of Proceedings at the Summer Assizes, and on definitive Disapproval or on Disallowance of Appeal (as the Case may be) the Application of the Promoters shall be deemed to have wholly failed.

Notice, &c. of Appeal.

XII. On the Promoters bringing an Appeal they shall give Notice thereof by Advertisement inserted in the *Dublin Gazette* and in the same Newspaper or Newspapers in which the Advertisement required by Section I. of this Act was inserted by them. On any such Appeal the Lord Lieutenant in Council shall, as far as may be requisite, take into consideration all such Reports and Documents and other Things relative to the Undertaking as were before the Grand Jury whose Disapproval is appealed from, and shall hear in opposition to the Appeal any such Owner, Lessee, Occupier, Company, Person, or Inhabitants as aforesaid.

On definitive Approval, Lord Lieutenant in Council to make Order.

XIII. Where the Undertaking is definitively approved of by the only Grand Jury or by all the Grand Juries before whom the Application comes, or all Appeals against the Disapproval of it are allowed, then and in every such Case the Lord Lieutenant in Council shall settle and make an Order in Council, authorizing the making and maintaining of the Tramway, subject and according to the Provisions of this Act, by such Persons or Person, or Body Corporate or Company, in such Manner, subject to such Restrictions and Provisions, and on such Terms and Conditions as shall be therein specified.

Order to be confirmed by Act of Parliament.

XIV. Thereupon, and on the Promoters doing everything required to be done by them by any Provision for securing the Completion of the Tramway applicable in their Case, the Lord Lieutenant in Council shall, as soon as conveniently may be, procure all necessary Steps to be taken for the Confirmation of such Order in Council by Act of Parliament, and until such Confirmation the Order shall have no Effect whatever.

The Bill for any such Act shall be introduced on or before the First of *June*, and treated in all respects as a Public Bill. The Order to be confirmed by the Bill shall be specified in a Schedule to it, but shall not be set out at length therein. The Promoters shall deposit, for the Use of the Members of the Houses of Parliament respectively, so many Copies of the Order in such Offices of the Houses respectively as the Clerk of the Parliaments and the Speaker of the House of Commons respectively may from Time to Time direct.

If desired by Promoters, Company to be constituted by the Order.

XV. Where the Promoters desire that a Joint Stock Company shall be constituted for the Execution of the Undertaking, the Order authorizing the making of the Tramway shall contain proper Provisions, with apt Terms, for uniting into a Company for that Purpose such Persons as shall be named or referred to therein, being Subscribers to the Undertaking, and for incorporating them into a Company, by an appropriate Name, with perpetual Succession and a Common Seal, and with Power to purchase and hold Land for the Purpose of the Undertaking, subject and according to the Restrictions of this Act and of the Order.

Order to prescribe Capital, &c.

XVI. Every such Order shall prescribe the Amount of the Share Capital of the Company (the same and every Part thereof to be applied only in carrying into execution the Objects and Purposes of the Order), the Number of the Shares into which the Capital shall be divided, the Amount of each Share, the Amount and Intervals of Calls, and the maximum aggregate Amount to be called within a certain Time.

Order may empower Company to borrow, under Restrictions.

XVII. Any such Order may (where it seems to the Lord Lieutenant in Council expedient) empower the Company to borrow on Mortgage or Bond such Money as in the Order shall be specified (the same and every Part thereof to be applied only in carrying into execution the Objects and Purposes of the Order), and may provide, in such Manner as may seem fit, for the Payment of Interest on and the Discharge of the Principal Money borrowed, and for the Appointment of a Receiver on behalf of Mortgagees: Provided always, that no such Order shall empower the Company to borrow more Money in the whole than One Third of the Amount of their Share Capital, or to borrow any Money whatever until the whole of their Share Capital is subscribed for, and One Half of it is actually paid up, and they prove to the Justice who is to certify, under the Provisions contained in the Fortieth Section of the Companies Clauses Consolidation Act, 1845, that all such Capital has been subscribed for *bonâ fide*, and is held by Subscribers or their Assigns, and for which such Subscribers or their Assigns are legally liable.

XVIII. Every

XVIII. Every such Order shall prescribe the Time within which the First General Meeting of the Shareholders shall be held, and may prescribe or provide for any such Thing relating to the Constitution, Management, Rights, Powers, or Duties of the Company as is ordinarily prescribed or provided for in a Special Act authorizing the Construction of a Railway and incorporating a Company for that Purpose.

Order to prescribe for Management, &c. of Company.

XIX. Every such Company, and no other, shall be deemed to be a Tramway Company within the Meaning of this Act, and (subject to the other Provisions of this Act) the Companies Clauses Consolidation Act, 1845, shall apply to every Tramway Company, and shall be incorporated with the Order constituting it, and (subject as aforesaid) the Lands Clauses Consolidation Act, 1845, the Railways Clauses Consolidation Act, 1845, and the Railways Act (*Ireland*), 1851, shall apply to every Tramway authorized by any Order (whether a Tramway Company is thereby constituted or not), and shall be incorporated with every such Order.

Railways Clauses Consolidation Act and others incorporated with Order in Council.

XX. In the Construction of the said Acts in connexion with any such Order—

Construction of incorporated Acts with Order in Council.

The Expression "the Special Act," used in the said Acts, shall be taken to mean or apply to any such Order as and when confirmed by Act of Parliament;

The Expressions "the Undertaking" and "the Railway," used in the said Acts, shall be respectively taken to mean or apply to the Tramway and Works by such Order authorized;

The Expression "the Company," used in the said Acts, shall be taken to mean, as to the Companies Clauses Consolidation Act, 1845, a Tramway Company, and as to the said other Acts, the Persons or Person or Body Corporate or Company authorized by any such Order to make a Tramway;

and the said Acts shall be read as if the Board of Works were therein named instead of "the Board of Trade," and as if *Dublin* were therein named instead of *London*.

XXI. It shall not be lawful for the Persons authorized to make a Tramway under this Act to begin to make the same without first depositing in like Manner as a Plan and a Section are herein-before required to be deposited a Plan and a Section (prepared in like Manner as the original Plan and Section) of all such Alterations from the original Plan and Section as shall be authorized by the Order in Council, and without also first furnishing a Duplicate thereof to the Board of Works.

Plan and Section of authorized Alterations to be deposited before Tramway is begun.

XXII. For

Plan and Section furnished to Board of Works to be sufficient for Purposes of 14 & 15 Vict. c. 70.

XXII. For the Purposes of the Application of the Railways Act (*Ireland*), 1851, to a Tramway under this Act, any Map, Plan, Book of Reference, and Section furnished to the Board of Works under this Act shall be sufficient, and the same shall be used and proceeded on in lieu of the Maps or Plans and Schedules of Lands, Works, and Names by the last-mentioned Act required. Such Estimates, and such Draft Award, and Copies thereof and of Parts thereof, as are by the same Act required, shall be deposited in like Manner as Plans and other Documents are herein-before required to be deposited, and not otherwise, and the Terms of Notice of Deposit to be published under that Act shall be altered accordingly.

Some Provisions of incorporated Acts excepted.

XXIII. The Provisions of the said Acts directing Deposits to be made with Clerks of the Peace (except the Provisions relative to Access to the Special Act) and with Clerks of Poor Law Unions and Postmasters, and the Provisions with respect to the crossing of Roads and other Interferences therewith (other than the Provisions of the Railways Clauses Consolidation Act, 1845, Sections LXV., LXVI., LXVII.), and the Provisions with respect to the Use of Locomotive Engines or other Moving Power, not being Animal Power, shall be excepted out of the Incorporation herein-before made; and it shall be lawful for the Lord Lieutenant in Council, in and by any such Order, if the Circumstances of the Case appear so to require, to vary or except any of the Provisions of any of the said Acts.

Construction and Gauge.

XXIV. Every Tramway made under this Act shall be worked Animal Power only, and shall (unless in any Case the Order in Council otherwise provides) be constructed with Iron Rails or Trams, and on the Gauge of Five Feet Three Inches. Any such Tramway may be authorized to be constructed wholly or partly along or across any Post Road, Road now or formerly a Turnpike Road, public Highway, Street, Square, Market Place, Court, Lane, Alley, Bridge, or Quay, or other public Thoroughfare, Passage, or Place whatsoever, on the Level.

Maximum Tolls and Rates of Charge, with Regulations, in Sched. (B.)

XXV. Any such Order in Council may prescribe the maximum Tolls and Rates of Charge to be taken and made for Passengers, Animals, and Things conveyed on the Tramway, not exceeding the Tolls and Rates of Charge specified in Schedule (B.) to this Act, and may make Regulations for the Calculation and charging thereof; and in the Absence in any Case of any special Provisions for those Purposes, or so far as any such special Provisions shall not extend, the maximum Tolls and Rates of Charge, and the Regulations, shall be those specified in the same Schedule.

XXVI. It

XXVI. It shall be lawful for the Lord Lieutenant in Council, on the like Proceedings and Inquiry as are herein-before specified being taken and made, to make an Order authorizing the varying, extending, or enlarging of any Tramway already authorized, and the Maintenance of the Tramway, as and when so varied, extended, or enlarged. No such Order shall have any Effect until confirmed by an Act of Parliament, Proceedings for the obtaining of which shall be taken in manner herein-before provided with respect to an original Order for the making of a Tramway.

Tramway may be varied, enlarged, &c.

XXVII. It shall be lawful for the Lord Lieutenant in Council, by Order, when the Circumstances of any Case appear to render it expedient, to extend the Time limited for the Completion of a Tramway, or to authorize the Abandonment of all or any Part of a Tramway: Provided always, that it shall not be lawful for the Lord Lieutenant in Council to make any such Order without Notice being given to the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands in which the Work or the Part thereof intended to be abandoned is situate, or without Notice being given to such other Persons or Authorities as the Lord Lieutenant in Council may think fit, or without hearing any Person or Authority concerned and desiring to be heard. No such Order shall have any Effect until confirmed by an Act of Parliament, Proceedings for the obtaining of which shall be taken in manner herein-before provided with respect to an original Order for the making of a Tramway.

Time for Completion may be extended, or Abandonment may be authorized.

XXVIII. Provided always, That any Order in Council authorizing the Abandonment of a Tramway, or any Part thereof, shall be made and take effect subject to the following Restrictions and Conditions:

1. The Order shall contain such Provisions as may appear expedient for compelling the Owners of the Tramway to make good any Damage that may have been caused to any Post Road, Turnpike Road, public Highway, Street, Square, Market Place, Court, Lane, Alley, Bridge, or Quay, or other public Thoroughfare, Passage, or Place, by or in consequence of the making of the Tramway, or of the Part thereof authorized to be abandoned (as the Case may be):
2. If, on the Application for the Order, it is shown to the Lord Lieutenant in Council that all or any Lands acquired by the Owners of the Tramway for the Purposes thereof, or of the Part thereof authorized to be abandoned (as the Case may be), may with Advantage be dedicated for Highway Purposes to the Use of the Public, and to that End be placed under the Control of the Grand Jury, Municipal Corporation, Body of Commissioners, or other Body having the Control of the public Roads

On Abandonment, Damage to be made good, and Land taken to be used for Highway Purposes, or to go back to original Owner.

Roads in the County, City, Borough, Town Corporate, Place, or District where the Lands are situate, the Order in Council shall contain such Provisions in that Behalf as may appear expedient:

3. In the Absence of any such Provisions, and so far as all or any such Provisions shall not extend, the Lands acquired by the Owners of the Tramway for the Purposes thereof, or of the Part thereof authorized to be abandoned (as the Case may be), shall go to and vest in the Person or Persons from whom the same were acquired, his or their respective Heirs, Successors, Executors, Administrators, or Assigns, (according to the Tenure of the Lands,) discharged from all Estates, Interests, and Claims of the Owners of the Tramway, or any Person claiming under them, and as if any Order authorizing the making of the Tramway had never been made or confirmed, or as near thereto as Circumstances will admit.

Deposit as Security for Completion by a Company.

XXIX. Where the Promoters are not an existing Tramway Company, and a Tramway Company is constituted by the Order in Council authorizing the Undertaking, and also where the Promoters are an existing Tramway Company, but are not possessed of a Tramway actually open for Traffic, then and in every such Case the Promoters shall give Security for the Completion of the proposed Tramway as follows:

1. Within Forty-eight Hours after the making of the Order they shall, with the Privity of the Accountant General of the Court of Chancery, either pay in his Name into the Bank of *Ireland* a Sum of Money equal to One Twentieth Part of the estimated Cost of the Undertaking, or deposit in his Name in the Bank of *Ireland*, or transfer into his Name there, Exchequer Bills or other Government Securities equivalent to that Sum at the Price at which such Bills or Securities were originally purchased by the Promoters (to be proved by the Broker's Certificate of such Purchase):

2. Before making any such Payment, Deposit, or Transfer, they shall obtain from the Clerk of Her Majesty's Privy Council in *Ireland* a Warrant under his Hand authorizing the same, and stating the Title of the Account to which such Money, Bills or Securities, shall be placed, which Warrant shall be sufficient Authority to the said Accountant General for permitting such Payment, Deposit, or Transfer: Provided always, that in case of the Accountant General's Office being closed at the Time when any such Payment, Deposit, or Transfer is required, the same may be made and shall be received and acted on by the Bank of *Ireland* without his actual Privity:

3. The

3. The Court of Chancery, on the Petition in a summary Way of the Persons or Person making such Payment, Deposit, or Transfer, or the Majority of such Persons, or the Survivors or Survivor of them, herein-after called the Depositors or Depositor, may order that any Money so paid, or any Interest or Dividend accrued on any Bills or Securities so deposited or transferred, be invested in any such Securities as the Depositors or Depositor may desire and the Court approve:

4. In the following Cases, and not otherwise, the Court of Chancery, on the Petition in a summary Way of the Depositors or Depositor, shall order the Money, Bills or Securities, so paid, deposited, or transferred, and any Securities in which any Investment may be made as aforesaid, and any Interest or Dividend accrued thereon respectively, to be paid or transferred to or into the Names or Name of the Depositors or Depositor; namely,

   (1.) If an Act of Parliament confirming the Order in Council with respect to which such Payment, Deposit, or Transfer is made does not pass in the Session current at the Date of the Order, or, if Parliament be not then sitting, then in the Session beginning next after that Date:

   (2.) If such an Act does so pass, and within the Time limited for the Completion of the Tramway the Company open it for Traffic, or prove to the Board of Works that they have paid up One Half of their Share Capital, and have expended for the Purposes of the Order a Sum equal to such Half, or else execute a Bond in twice the Amount paid into the Bank, or represented by the Deposit or Transfer aforesaid, conditioned for Payment to Her Majesty, Her Heirs or Successors, of that Amount, in the event of their failing either to open the Tramway for Traffic, or to give such Proof as aforesaid, within the Time limited for the Completion of the Tramway (such Bond to be prepared to the Satisfaction of and deposited with the Board of Works, and to be made with a Surety or Sureties approved of by the Board of Works):

5. If an Act confirming the Order passes as aforesaid, and the Time limited for Completion of the Tramway expires before it is opened for Traffic, or before such Proof as aforesaid is given, then the Money, Bills, or Securities paid, deposited, or transferred, and any Securities in which any Investment

Investment may have been made as aforesaid, and any Interest or Dividend accrued thereon respectively, or the Monies secured by any Bond given as aforesaid, (as the Case may be,) shall, immediately on the Expiration of the Time so limited, be forfeited to Her Majesty, and be paid or transferred, by the Officer or Person in whose Name the same shall then be standing, or by whom the same may be recovered and received, to the Account of Her Majesty's Exchequer, and shall then be carried to and form Part of the Consolidated Fund of the United Kingdom:

6. The Certificate of the Board of Works that a confirming Act of Parliament has or has not passed as aforesaid, or that the Tramway has or has not been opened for Traffic, or that such Proof or such Bond as aforesaid has or has not been given, shall be conclusive Evidence thereof.

Deposit, where Time extended.

XXX. Where an Order in Council authorizes an existing Tramway Company, being possessed of a Tramway actually open for Traffic, to make another Tramway, or extends the Time limited for the Completion by a Tramway Company of their Tramway, then and in every such Case the Order shall provide that after the Expiration of a Time thereby limited (not exceeding in the former Case Five and in the latter Case Three Years from the passing of the confirming Act) the Payment of Dividend on the Company's ordinary Capital shall be suspended until the Tramway to which the Order relates is opened for Traffic.

In other Cases other Security for Completion to be taken.

XXXI. Where the Provisions of either of the Two last preceding Sections are not applicable, the Lord Lieutenant in Council shall make such other Provision as may seem fit for securing the Completion of the Tramway within the Time limited.

Expenses to be paid by Promoters.

XXXII. All Costs, Charges, and Expenses necessarily incurred in connection with the making of any such Order in Council, or any Proceeding preliminary thereto, shall be paid by the Promoters, and all other Costs, Charges, and Expenses shall be in the Discretion of the Lord Lieutenant in Council.

Power to Promoters and County Surveyor to enter and survey.

XXXIII. For the Purposes of any Application made or intended to be made under this Act, it shall be lawful for the County Surveyor, his Assistants, Servants, and Workmen, and also for the Promoters, their Engineers, Surveyors, Agents, Servants, and Workmen, at all reasonable Times, and causing as little Inconvenience as may be, to enter on any Lands in or near the Line of the proposed Tramway, (not being Lands which cannot be authorized to be taken under this Act for the Purposes of a Tramway, without the Consent in Writing of

of the Owner thereof,) and to survey or otherwise examine the same, and to dig or bore therein; provided that he or they first obtain Authority so to do in Writing under the Hand of a Justice of the Peace at Petty Sessions in and for the District where the Lands are situate, such Justice not having any pecuniary Interest in the Undertaking. The Promoters shall also make full Compensation for any Damage caused under this Provision, the Amount of such Compensation to be fixed by Two or more Justices of the Peace at Petty Sessions in and for the same District (whose Order shall be conclusive), and to be recovered as any Compensation Money for Lands taken by the Promoters is recoverable.

Rules as to Deposits.

XXXIV. No Deposit required by this Act shall be of any Effect if made on a *Sunday*; and any Deposit made after Eight o'Clock in the Evening of any Week Day but *Saturday* shall be deemed to be made on the following Day, and if made after that Hour on a *Saturday* shall be deemed to be made on the following *Monday*.

Secretary of Grand Jury, &c. to permit Inspection, &c.

XXXV. The Secretary of a Grand Jury and Clerk of Union shall make a Memorandum in Writing on every Document deposited with him under this Act, showing the Time of Deposit, and shall permit any Person to inspect and examine the same at all reasonable Hours and during a reasonable Time, and to make Copies of or Extracts from it.

Proceedings of Grand Jury to be Part of Fiscal Business.

XXXVI. Everything required to be done under this Act by the Grand Jury of a County shall be deemed to be a Part of their Fiscal Business; and all Enactments for the Time being in force respecting the Fiscal Concerns of a County, or the Fiscal Business to be transacted by a Grand Jury, before or at any Assizes, shall apply to everything done by a Grand Jury under this Act, so far as the same Enactments shall be applicable thereto.

Counties of Dublin and of City of Dublin.

XXXVII. With respect to the County of *Dublin* and the County of the City of *Dublin*, for the Purposes of this Act, Two successive Presenting Terms for those Counties respectively shall be in the Place of the Summer and Spring Assizes for other Counties, and the Times at which Notices shall be given, Deposits made, and other Proceedings taken shall be from Time to Time regulated by General Rules made in manner herein-after provided.

Tramway in City or Town.

XXXVIII. Where a proposed Tramway lies wholly or partly in a City, Borough, or Town Corporate, or other Place or District in which the public Roads are not under the Control of the Grand Jury of the County, within which such City, Borough, Town Corporate, Place, or District is locally situate, then and in every such

Case, for the Purposes of this Act, the Grand Jury of the County of the City or County of the Town, Municipal Corporation, Town or other Commissioners having the Control of the public Roads in such City, Borough, Town Corporate, Place, or District, or other Body having such Control, or in case all such public Roads are not under the Control of any One such Body then each such Body as to the public Roads under its Control, shall be in the Place of the Grand Jury of the County, with all the like Rights, Powers, and Duties; and the Secretary, Town Clerk, Clerk, or other like Officer of any such Body shall be in the Place of the Secretary of the Grand Jury of a County, with all the like Rights, Powers, and Duties; and (except as to the County of the City of *Dublin* which is herein-before provided for) Meetings of each such Body shall be held for the Purposes of this Act at Times as nearly as may be corresponding with the respective Times of the Summer and Spring Assizes for the County within which such City, Borough, Town Corporate, Place, or District is locally situate:

Provided always, that the Power of any such Body (including the Municipal Corporation of the City of *Dublin*) to approve or disapprove of any Undertaking shall be subject to the following Restrictions:

1. Such Approval or Disapproval shall have no Effect unless it is determined on by a Majority of not less than Two Thirds of such Members of the Body as shall be present at a Meeting of the Body specially summoned by Notice in Writing, specifying the Time and Place and Object of the Meeting, delivered at the usual or last known Place of Abode of each Member of the Body Seven clear Days at least before the Day of the Meeting:
2. Any Five Members of the Body dissenting from the Approval of any Undertaking may, within One Month after such Approval, appeal against the same to the Lord Lieutenant in Council, and on any such Appeal being brought such Notice shall be given by Advertisement or otherwise, and such Persons shall be heard in support of and in opposition to the Appeal, as shall be from Time to Time directed by General Rules made in manner herein-after provided:

Provided also, that where in any such City, Borough, Town Corporate, Place, or District the public Roads or any of them shall, by virtue of any special Agreement or by Usage or otherwise, be in fact under the Control of a Body not being the Body in Law having or entitled to have such Control, then and in every such Case, for the Purposes of this Act, the Body in fact having such Control shall be deemed to be the Body to which the present Provision applies.

As to altering Level of Streets when

XXXIX. Where any Tramway shall be made through any City or Town, it shall not be lawful to alter the Level of any Street therein without

without the Consent of Two Thirds of the Owners of the Houses adjoining the same, or in such a Manner as to prevent convenient Access to all the Houses adjoining such Street, and in no Case shall the Level be altered more than Four Feet; and when any Street shall be so raised or sunk, the whole of the Surface of the Roadway of such Street shall be brought by the Promoters to the same Level, unless it shall appear to the Board of Works that such Alteration is objectionable.

Tramways pass through Towns.

XL. If any Member of a Grand Jury, Municipal Corporation, or Body of Commissioners, or other Body having the Control of the public Roads in any County, City, Borough, Town Corporate, Place, or District, shall be also the Promoter or Owner or One of the Promoters or Owners, or a Member or Shareholder of a Tramway Company being the Owners, of a Tramway lying wholly or in part within such County, City, Borough, Town Corporate, Place, or District, it shall not be lawful for him to vote on or otherwise act in relation to any Question directly or indirectly concerning such Tramway or Tramway Company; but no Member or Shareholder of a Tramway Company shall be disqualified from being a Member of any such Municipal Corporation, Body of Commissioners, or other Body as aforesaid by reason of any Contract entered into between the Tramway Company and such Municipal Corporation, Body of Commissioners, or other Body: Provided always, that nothing hereinbefore contained shall be deemed to render invalid any Resolution or Act of a Grand Jury, Municipal Corporation, Body of Commissioners, or other Body as aforesaid on or in relation to which any Person shall be found to have voted or acted contrary to this Enactment.

Persons interested in Tramways not to vote, but not to be disqualified.

XLI. Where any Part of a Tramway is proposed to be made on tidal Lands within the Flow of ordinary Spring Tides, the Promoters shall, on or before the First Day of *May* in the Year in which their Application is begun, deposit with the Secretary of the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral, a Copy of so much of the Plan and Section aforesaid as relates to such tidal Lands. The Board of Works, in the course of their public Inquiry, shall inquire whether or not the last-mentioned Requirement has been complied with, and shall take into consideration any Communication that the Lord High Admiral or Commissioners may think fit to make to the Board of Works respecting such tidal Lands, and shall in their Report respecting the Undertaking refer to such Communication, and state any Recommendation that they may think fit to make in consequence thereof. The Preliminary Inquiries Act, 1851, shall apply, *mutatis mutandis*, in respect of any Application for an

Promoters of Tramways on tidal Lands to deposit Map at the Admiralty.

an Order in Council under this Act, as if the same were an Application to Parliament for such a Bill as is in that Act mentioned.

Lands not to be taken without Owner's Consent, except Lands adjoining to public Roads.

XLII. Nothing in this Act, or in any Order under it, shall be deemed to authorize any Lands to be taken for the Purposes of the Undertaking without the Consent in Writing of the Owner thereof, except such Lands as may be not more than Thirty Feet distant at any Point on a Line drawn horizontally from the Centre of some Post Road, Turnpike Road, public Highway, Bridge, or Quay.

Demesnes, &c. not to be taken without Owner's Consent.

XLIII. Nothing in this Act, or in any Order under it, shall be deemed to authorize to be taken for the Purposes of the Undertaking any Mansion House, or House wholly built of Stone or Brick, with Lime, or any of the Outbuildings or Offices thereof, or any Part of any Yard, Haggard, Garden, Orchard, or Plantation attached or belonging thereto, or any Part of any Deer Park or other Park or Demesne, or planted or ornamental Walk, Drive, Approach, or Avenue, or of any Ground ornamentally planted, or of any Lawn or Bleach Green, without the Consent in Writing of the Owner thereof respectively, although the same may lie within such limited Distance as in the last preceding Section is mentioned.

Owners of Sewers, &c. not to be impeded from Access.

XLIV. Nothing in this Act, or in any Order under it, shall be deemed to empower the Owners or Promoters of a Tramway to impede, at any Time, the Owners of any Sewer, Drain, Main, or Pipe from having Access to the same for the Purpose of cleansing, repairing, removing, adding to, or amending it, or to give the Owners or Promoters of a Tramway any Claim for Compensation or Damages for or by reason of any unavoidable Injury to or for any temporary Stoppage of the Tramway that may be necessary for or in the Execution of any such Cleansing, Repair, Removal, Addition, or Amendment.

Lord Lieutenant in Council may make General Rules for Execution of this Act.

XLV. It shall be lawful for the Lord Lieutenant in Council, by Order, to make from Time to Time such General Rules as may seem fit for the effectual Execution of this Act, and the Regulation of the Procedure on Appeals, and on Inquiries by the Board of Works, and generally of all Proceedings under this Act, and also for fixing the Amount of any Fees, and the Allowance, Taxation, and Payment of any Costs, Charges, and Expenses to be taken, allowed, and paid under this Act, and for the Remuneration of any County Surveyor, Engineer, Surveyor, or other Person employed in the Execution of this Act under the Direction or Authority of a Grand Jury or of the Board of Works or otherwise, and from Time to Time to revoke or amend any such Rules; but no such Rules shall have any Effect until the Expiration of One Month after the same shall have

have been published in the *Dublin Gazette*, and laid before both Houses of Parliament.

XLVI. The Acts specified in Schedule (C.) to this Act shall, as far as Circumstances will admit, and as far as those Acts are not inconsistent with this Act, apply to Tramways under this Act. For the Purposes of those Acts, a Tramway under this Act shall be deemed to be a Railway (although the Moving Power is Animal only), and the Word "Company" in any of those Acts shall be deemed to mean the Owners of a Tramway under this Act (whether a Company or not), and the Board of Works shall be deemed to be in the Place of the Lords of the Committee of Her Majesty's Privy Council appointed for Trade and Foreign Plantations, and with respect to the Constabulary, the Inspector General of Constabulary shall be deemed to be in the Place of the Secretary-at-War, in any of those Acts mentioned: Provided always, that with respect to Tramways under this Act, such Rates of Speed as the Board of Works may from Time to Time direct shall be deemed to be substituted in Sections VI. and XI. of the Act fourthly in the same Schedule specified for the Rates therein respectively mentioned or referred to.

General Railway Acts in Sched. (C.) to apply to Tramways.

XLVII. Nothing in this Act, or in any Order under it, shall be deemed to exempt any Tramway from the Provisions of any future General Act relating to Tramways or Tramway Companies, or their Accounts, or from any future Revision or Alteration, under Authority of Parliament, of the maximum Tolls or Rates of Charge authorized by this Act, or any Order under it.

Tramways not exempted from future General Acts.

XLVIII. Provided always, That if at any Time it shall appear to the Lord Lieutenant in Council to be expedient that any Provision that may be hereafter adopted in the Standing Orders of either House of Parliament relative to Private Bills should be applied to Tramways or Proceedings under this Act, it shall be lawful for the Lord Lieutenant in Council, by Order, to apply such Provision accordingly in such Manner as may seem fit, notwithstanding that the same may be inconsistent with any of the Regulations contained in the Schedules to this Act, and from Time to Time to revoke or amend any such Order; but no such Order shall have any Effect until the Expiration of One Month after the same shall have been published in the *Dublin Gazette*, and laid before both Houses of Parliament.

Order in Council may apply amended Standing Orders.

XLIX. In this Act—

Interpretation of Terms.

The Expression "the Lord Lieutenant in Council" means the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, by and with the Advice of Her Majesty's Privy Council in *Ireland*;

The Word "County" includes any Riding or Division of a County for which Riding or Division separate Assizes are held, but not a County of a City or County of a Town;

The Word "Lands" includes Lands, Houses, Buildings, and Hereditaments of any Tenure;

The Word "Owner," used with reference to Lands, means any Person who, under the Provisions of any Order in Council made under this Act, is enabled to sell and convey Lands to the Owners of a Tramway;

And the Words "Persons" and "Person" shall (unless there be something repugnant in the Subject or Context) be construed to include a Body Corporate or a Company.

Extent of Act Short Title.

L. This Act shall extend to *Ireland* only, and may be cited as "The Tramways (*Ireland*) Act, 1860."

SCHEDULES.

SCHEDULE (A.)

PART I.

Notices by Advertisement.

1. Every Advertisement shall state—
   (1.) The Objects of the intended Application:
   (2.) The Description of the Termini, with the Names of the Parishes, Townlands, Townships, and Extra-parochial Places from, through, or into which the Tramway is intended to be made:
   (3.) The Times and Places at which the Deposit required by Section II. of this Act will be made:
   (4.) The Intention of the Promoters (if they intend) to apply for Powers for the compulsory Purchase of Lands.

2. The whole Notice shall be included in One Advertisement, which shall be headed with a short Title descriptive of the Undertaking.

3. The Advertisement shall be inserted in Three successive Weeks in some one and the same Newspaper of the County in which the Lands to which the Application relates are situate, or if there be none then in a Newspaper of some adjoining or neighbouring County. Where the Application relates to Lands situate in more than One County, the Advertisement shall be inserted once in each of Three successive Weeks in a Newspaper published at least Twice a Week in Dublin, and in a Newspaper of the County in which is the principal Office of the Promoters, and in a Newspaper of every County in which any new Work is proposed to be executed, or in which any Lands are situate in respect of which any new or further Powers for the Completion of Works already authorized are intended to be applied for.

4. The Advertisement shall in all Cases be also inserted once in the Dublin Gazette.

PART II.

Form in which Plans, Books of Reference, Sections and Cross Sections, shall be prepared.

Plan.

1. Every Plan required to be deposited shall be drawn to a Scale of not less than Four Inches to a Mile, and shall describe the Line or Situation of the whole of the Work (no alternative Line or Work being in any Case permitted), and the Lands in or through which it is to be made, maintained, varied, extended, or enlarged, or through which every Communication to or from the Work shall be made; and where it is the Intention of the Parties to apply for Powers to make

make any lateral Deviation from the Line of the proposed Work, the Limits of such Deviation shall be defined upon the Plan, and all Lands included within such Limits shall be marked thereon; and unless the whole of such Plan shall be upon a Scale of not less than a Quarter of an Inch to every One hundred Feet an enlarged Plan shall be added of any Building, Yard, Courtyard, or Land within the Curtilage of any Building, or of any Ground cultivated as a Garden either in the Line of the proposed Work or included within the Limits of the said Deviation, upon a Scale of not less than a Quarter of an Inch to every One hundred Feet.

2. The Plan shall exhibit thereon the Distances in Miles and Furlongs from One of the Termini; and a Memorandum of the Radius of every Curve, not exceeding One Mile in Length, shall be noted on the Plan in Furlongs and Chains; and where tunnelling, as a Substitute for open cutting, is intended, such tunnelling shall be marked by a dotted Line on the Plan.

3. If it be intended to divert, widen, or narrow any Turnpike Road, public Carriage Road, Navigable River, Canal, Tramway, or Railway, the Course of such Diversion, and the Extent of such widening or narrowing, shall be marked on the Plan.

Book of Reference.

4. The Book of Reference to every such Plan shall contain the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of all Lands in the Line of the proposed Work, or within the Limits of Deviation as defined upon the Plan, and shall describe such Lands.

Section.

5. The Section shall be drawn to the same horizontal Scale as the Plan, and to a vertical Scale of not less than One Inch to One hundred Feet, and shall show the Surface of the Ground marked on the Plan, the intended Level of the proposed Work, the Height of every Embankment and the Depth of every Cutting, and a Datum horizontal Line, which shall be the same throughout the whole Length of the Work or any Branch thereof respectively, and shall be referred to some fixed Point (stated in Writing on the Section) near either of the Termini.

6. The Line of the Tramway marked on the Section shall correspond with the upper Surface of the Trams.

7. Distances on the Datum Line shall be marked in Miles and Furlongs to correspond with those on the Plan; a vertical Measure from the Datum Line to the Line of the Tramway shall be marked in Feet and Inches, or decimal Parts of a Foot, at each Change of the Gradient or Inclination; and the Proportion or Rate of Inclination between each such Change shall also be marked.

8. Wherever the Line of the Tramway is intended to cross any Turnpike Road, public Carriage Road, navigable River, Canal, Tramway, or Railway, the Height of the Tramway over or Depth under the Surface thereof, and the Height and Span of every Arch of all Bridges and Viaducts by which the Tramway will be carried over the same, shall be marked in Figures at every Crossing thereof; and where the Tramway will be carried across any such Turnpike Road, public Carriage Road, Tramway, or Railway on the Level thereof, such Crossing shall be so described on the Section, and it shall also be stated if such Level will be unaltered.

9. If

9. If any Alteration be intended in the Water Level of any Canal, or in the Level or Rate of Inclination of any Turnpike Road, public Carriage Road, Tramway, or Railway, which will be crossed by the Line of Tramway, then the same shall be stated on the Sections, and each Alteration shall be numbered; and Cross Sections, in reference to the said Numbers, on a horizontal Scale of not less than One Inch to every Three hundred and thirty Feet, and on a vertical Scale of not less than One Inch to every Forty Feet, shall be added, which shall show the present Surface of such Canal, Road, Tramway, or Railway, and the intended Surface thereof when altered; and the greatest of the present and intended Rates of Inclination of such Road, Tramway, or Railway shall also be marked in Figures thereon; and where any public Carriage Road is crossed on the Level, a Cross Section of such Road shall also be added, and all such Cross Sections shall extend for Two hundred Yards on each Side of the centre Line of the Tramway.

10. Wherever the extreme Height of any Embankment or the extreme Depth of any Cutting shall exceed Five Feet, the extreme Height over or Depth under the Surface of the Ground shall be marked in Figures upon the Section; and if any Bridge or Viaduct of more than Three Arches shall intervene in any Embankment, or if any Tunnel shall intervene in any Cutting, the extreme Height or Depth shall be marked in Figures on each of the Parts into which such Embankment or Cutting shall be divided by such Bridge, Viaduct, or Tunnel.

11. Where tunnelling, as a Substitute for open cutting, or a Viaduct as a Substitute for solid Embankment, is intended, the same shall be marked on the Section.

12. Every Plan and Section shall be signed by the Engineer of the Promoters.

PART III.

Notices to Owners, Lessees, and Occupiers of Lands.

1. The Notice required to be given by Section III. of this Act shall be given in respect of all Lands intended to be taken, or which may be taken as being within the Limits of Deviation defined upon the Plan, and shall be as nearly as may be in the Form set forth in the Appendix marked (A.)

2. Such Notice shall be given by being delivered personally to every Person to whom the same is to be given, or by being left at his usual or last known Place of Abode, or, in his Absence from the United Kingdom, with his Agent, on or before the First Day of May, or by being forwarded by Post in a registered Letter, addressed with a sufficient Direction to his usual Place of Abode, and posted on or before the Twenty-eighth Day of April at the Chief Post Office in Dublin, Belfast, Cork, or Athlone, at such Hours and according to such Regulations as Her Majesty's Postmaster General shall from Time to Time appoint for the Posting and Registration of such Letters.

3. In all Cases the written Acknowledgment of the Person applied to shall, in the Absence of other Proof, be sufficient Evidence of a Notice having been given, and in case of a Notice having been forwarded by Post in a registered Letter, the Production of the Post Office Receipt for such Letter, duly stamped, in such Form as the Postmaster General shall appoint, shall be sufficient

Evidence of the due Delivery of such Letter; provided it appear that the same was properly and sufficiently directed, and was not returned by the Post Office as undelivered.

4. Except in the Case of Delivery of Letters by Post, a Notice served on a Sunday shall be of no Effect, and a Notice served after Eight o'Clock in the Evening of any Week Day but Saturday shall be deemed to be served on the following Day, and if served after that Hour on a Saturday shall be deemed to be served on the following Monday.

APPENDIX (A.) to Part III.

[*Form referred to in Regulation* 1.]

No.——

Sir,

WE beg to inform you, that Application is intended to be made to the Lord Lieutenant in Council, through the [Grand Jury of the County of , *or as the Case may be,*] at the ensuing [Summer Assizes, *or as the Case may be,*] for an Order in Council [*here insert a short Statement of the Objects of the proposed Order*], and that the Property mentioned in the annexed Schedule, or some Part thereof, in which we understand you are interested as therein stated, will be required for the Purposes of the said Undertaking, according to the Line thereof as at present laid out, or may be required to be taken under the usual Powers of Deviation to the Extent of Yards on either Side of the said Line which will be applied for, and will be passed through in the Manner mentioned in such Schedule.

We also beg to inform you, that a Plan and Section of the said Undertaking, with a Book of Reference thereto, have been or will be deposited with the [Secretary of the Grand Jury of the said County, *or as the Case may be*], on or before the of , on which Plan your Property is designated by the Numbers set forth in the annexed Schedule.

As we are required to report whether you assent to or dissent from the proposed Undertaking, or whether you are neuter in respect thereto, you will oblige us by writing your Answer of Assent, Dissent, or Neutrality in the Form left herewith, and returning the same to us with your Signature on or before the Day of next; and if there should be any Error or Mis-description in the annexed Schedule, we shall feel obliged by your informing us thereof, at your earliest Convenience, that we may correct the same without Delay.

We are, Sir,

Your most obedient Servants,

To

Note.—If the Application be forwarded by Post, the Words "Parliamentary Notice" are to be printed or written on the Cover.

SCHE-

SCHEDULE referred to in the foregoing Notice, describing the Property therein alluded to, and the Manner in which the Line of the proposed Work, as delineated upon the Plan and Section, will affect the same.

——	Parish, Township, Townland, or Extra-parochial Place.	Number on Plan.	Description.	Owner.	Lessee.	Occupier.	Description of the Section of the Line deposited, showing the greatest Height of Embankment and Depth of Cutting where the Property is intersected by the centre Line of the proposed Work.
Property in the Line of the proposed Work, as at present laid out (including Property any Part of which is within Eleven Yards, or thereabouts, of the centre Line of such proposed Work, as delineated upon the Plan).							
——	Parish, Township, Townland, or Extra-parochial Place.	Number on Plan.	Description.	Owner.	Lessee.	Occupier.	
Property within the Limits of the Deviation intended to be applied for.							

Note.—Where the Property is not intersected by the centre Line, the Description of the Section is not given in the last Column.

PART IV.

Lists of Owners, &c. assenting, dissenting, and neuter.

Separate Lists shall be made of the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers, to whom Notice has been given, distinguishing those who have assented, dissented, or are neuter in respect of such Notice, or who have returned no Answer thereto; and where no written Acknowledgment has been returned to a Notice sent by Post, or where a Notice by Post has been returned as undelivered, the Direction of the Letter in which the Notice was sent shall be inserted in the Lists.

PART V.

Public Inquiry by Board of Works.

1. The Board of Works shall direct their Attention especially to the following Heads of Inquiry, and shall require Evidence from the Promoters thereon; namely,—

(1.) The Financial Arrangements made or proposed by the Promoters:

(2.) Where the Promoters propose that a Company should be incorporated by Order in Council for the Execution of the Undertaking, the Number and Amount of Shares actually subscribed for or agreed to be taken, and the Amount of Share Capital and of Loans proposed to be authorized:

(3.) The Sufficiency of the Estimate for the Works:

(4.) The Merits, in an engineering point of view, of the proposed Tramway; the Character of the Gradients and Curves; the Number and Extent of the Tunnels, if any; the Crossings or other User of public Roads on the Level; and any peculiar engineering Difficulties, with the Modes proposed for overcoming them:

(5.) The Degree of Favour or Objection with which the Project is regarded by the Landowners and others in the Neighbourhood of the proposed Tramway.

2. The Board of Works shall hear in opposition to the Undertaking any such Owner, Lessee, Occupier, Company, Person, or Inhabitants as is or are entitled to be heard under the Provisions of this Act before a Grand Jury.

3. The Board of Works may call for the Production of any Documents in the Possession or Power of the Promoters, or of any Company or Person admitted to be heard in opposition to the Undertaking, which the Board of Works may think necessary, and may examine any such Person and his Witnesses, and the Witnesses for any such Company and for the Promoters, on Oath or otherwise, and administer any Oath or Declaration necessary for that Purpose.

SCHE-

SCHEDULE (B.)

Maximum Tolls and Rates of Charge, with Regulations.

Passengers.

1. The maximum Rates of Charge to be made by the Owners of the Tramway for the Conveyance of Passengers thereon, including the Tolls for the Use of the Tramway and of Carriages, and Cost of Moving Power, and every other Expense connected with such Conveyance, shall be—

For every Passenger conveyed in a First-class Carriage, the Sum of Twopence per Mile:

For every Passenger conveyed in a Carriage of inferior Class, the Sum of One Penny Halfpenny per Mile.

2. The foregoing Restrictions shall not extend to any Special Trains that may be required to run on the Tramway, but shall apply only to the Express and Ordinary Trains appointed from Time to Time by the Owners for the Conveyance of Passengers and Goods on the Tramway.

3. Every Passenger travelling on the Tramway may take with him his ordinary Luggage, not exceeding One hundred Pounds in Weight for First-class Passengers and Sixty Pounds in Weight for Passengers of inferior Class, without any Charge being made for the Carriage thereof.

Goods.

4. Subject to the Provisions herein-after contained respecting small Parcels and single Articles of great Weight, the Tolls to be taken by the Owners of the Tramway in respect of the Tonnage of all Articles conveyed in Carriages thereon, or on any Part thereof, shall be—

(*Class* 1.)

For Dung, and all Sorts of Manure, Chalk, and all undressed Materials for the Repair of Roads or Highways:

For all Coals, Coke, Culm, Ironstone, and Iron Ore:

For all Charcoal, Limestone, Stones for building, pitching, and paving, Bricks, Tiles, Slates, Clay, and Sand:

For all Iron, Lead, Tin, and Tin Plates (except Nails, Utensils, or other Articles of Merchandise):

Not exceeding for the Use of the Tramway One Penny per Ton per Mile:

If conveyed in Carriages provided by the Owners of the Tramway, an additional Sum per Ton per Mile not exceeding One Eighth of a Penny:

If drawn or propelled by Power provided by the Owners of the Tramway, a further Sum per Ton per Mile not exceeding Three Eighths of a Penny.

(*Class* 2.)

For all other Goods, Wares, Merchandise, Articles, Matters, or Things (except Carriages, herein-after otherwise provided for), not exceeding for the Use of the Tramway Twopence per Ton per Mile:

If conveyed in Carriages provided by the Owners of the Tramway, a further Sum per Ton per Mile not exceeding One Halfpenny:

If drawn or propelled by Power provided by the Owners of the Tramway, a further Sum per Ton per Mile not exceeding One Halfpenny.

(*Class* 3.)

For every Carriage, of whatever Description (not being a Carriage adapted and used for travelling on a Tramway, and not weighing more than One Ton), not exceeding for the Use of the Tramway Sixpence per Ton per Mile, and the Sum of Twopence per Mile for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton above One Ton which any such Carriage may weigh:

If any such Carriage be conveyed on a Truck or Platform provided by the Owners of the Tramway, an additional Sum per Mile not exceeding Twopence:

If drawn or propelled by Power provided by the Owners of the Tramway, a further Sum per Mile not exceeding Twopence.

ANIMALS.

5. The Tolls to be taken by the Owners of the Tramway in respect of Animals conveyed in Carriages on the Tramway shall be,—

(*Class* 4.)

For every Horse, Mule, Ass, or other Beast of Draught or Burden, Ox, Cow, Bull, or Head of Neat Cattle, conveyed in or upon any such Carriage, not exceeding for the Use of the Tramway Threepence per Mile:

If conveyed in or upon any Carriage provided by the Owners of the Tramway, an additional Sum per Mile not exceeding One Penny:

If such Carriage be drawn or propelled by Power provided by the Owners of the Tramway, an additional Sum per Mile not exceeding Twopence.

(*Class* 5.)

For every Calf, Pig, Sheep, Lamb, or other small Animal conveyed in or upon any such Carriage, not exceeding for the Use of the Tramway One Penny per Mile:

If conveyed in any Carriage provided by the Owners of the Tramway, an additional Sum per Mile not exceeding One Farthing:

If such Carriage be drawn or propelled by Power provided by the Owners of the Tramway, an additional Sum per Mile not exceeding Twopence.

6. The maximum Rate of Charge to be made by the Owners of the Tramway for the Conveyance of Animals, Articles, Matters, or Things, respectively included in the Classes before mentioned, including the Tolls for the Use of the Tramway, and of Carriages, and Cost of Moving Power, and every other Expense connected with such Conveyance, shall not exceed the Amounts following:

For the Matters mentioned in Class 1., not exceeding One Penny Halfpenny per Ton per Mile:

For the Matters mentioned in Class 2., not exceeding Threepence per Ton per Mile;

For any Carriage mentioned in Class 3., not weighing more than One Ton, not exceeding Tenpence per Mile, and if weighing more than One Ton, not exceeding Twopence per Mile for every Quarter of a Ton or fractional Part of a Quarter of a Ton additional:

For everything mentioned in Class 4., not exceeding Sixpence per Mile:

For

For everything mentioned in Class 5., not exceeding Threepence Farthing per Mile:

Provided always, that it shall be lawful for the Owners of the Tramway to demand and take, in addition to the Tolls and Rates of Charge hereinbefore authorized, a reasonable Sum for the Delivery and Collection of Goods and other Services incidental to the Business of a Carrier where such Services respectively shall be performed by the Owners of the Tramway otherwise than on the Premises of the Tramway.

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7. The following Provisions and Regulations shall be applicable to the Calculation of the Tolls:

For Passengers, Animals, or Things conveyed on the Tramway for a less Distance than Four Miles the Company may demand Tolls as for Four Miles:

For a Fraction of a Mile beyond Four Miles or beyond any greater Number of Miles the Company may demand Tolls on Merchandise for such Fraction in proportion to the Number of Quarters of a Mile contained therein, and if there be a Fraction of a Quarter of a Mile such Fraction shall be deemed a Quarter of a Mile; and in respect of Passengers every Fraction of a Mile beyond an integral Number of Miles shall be deemed a Mile:

For a Fraction of a Ton the Company may demand Toll according to the Number of Quarters of a Ton in the Fraction, and if there be a Fraction of a Ton the Fraction shall be deemed a Quarter of a Ton:

With respect to all Things, except Stone and Timber, the Weight shall be determined according to the usual Avoirdupois Weight:

With respect to Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Teak, Beech, or Ash, and Fifty Cubic Feet of any other Timber, shall be deemed One Ton Weight, and so in proportion for any smaller Quantity.

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8. With respect to small Parcels and single Articles of great Weight, the Owners of the Tramway may lawfully demand for the Carriage thereof on the whole or any Part of the Line the Tolls following:

SMALL PARCELS.

For any Parcel not exceeding Seven Pounds in Weight, Sixpence:

For any Parcel exceeding Seven Pounds in Weight but not exceeding Fourteen Pounds in Weight, Ninepence:

For any Parcel exceeding Fourteen Pounds in Weight but not exceeding Twenty-eight Pounds in Weight, One Shilling:

For any Parcel exceeding Twenty-eight Pounds in Weight but not exceeding Fifty-six Pounds in Weight, One Shilling and Sixpence:

For Parcels exceeding Fifty-six Pounds in Weight but not exceeding Five hundred Pounds in Weight, such reasonable Sum as the Owners of the Tramway may think fit:

Provided always, that Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but that Term shall apply only to single Parcels in separate Packages.

SINGLE

SINGLE ARTICLES OF GREAT WEIGHT.

For the Carriage of any One Boiler or Cylinder, or any One Piece of Machinery, or single Piece of Timber or Stone, or other single Article, the Weight of which, including the Carriage, shall exceed Three Tons, the Owners of the Tramway may demand such Sum as they think fit.

9. Nothing herein contained shall be held to prevent the Owners of the Tramway from taking any increased Charge, over and above the Charges hereinbefore limited, for the Conveyance of Goods of any Description, by Agreement with the Owners of and Persons in charge of such Goods, either in respect of the Conveyance of such Goods, except small Parcels, by Passenger or other Trains, or by reason of any other special Service performed by the Owners of the Tramway in relation to such Goods.

SCHEDULE (C.)

General Acts relating to Railways by this Act made applicable to Tramways.

—	Session and Chapter.	Title.
1	1 & 2 Vict. c. 98.* - -	An Act to provide for the Conveyance of the Mails by Railways.
2	3 & 4 Vict. c. 97. - -	An Act for regulating Railways.
3	5 & 6 Vict. c. 55. - -	An Act for the better Regulation of Railways, and for the Conveyance of Troops.
4	7 & 8 Vict. c. 85. - -	An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways.
5	17 & 18 Vict. c. 31. -	The Railway and Canal Traffic Act, 1854.

* As amended by 10 & 11 Vict. c. 85. s. 16.

LONDON:
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ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

***

The Word "Lands" shall include Houses, Messuages, and Tenements of every Tenure, whether corporeal or incorporeal:

The Word "Acre" shall mean Statute Acre:

The Word "Landlord" shall include the Person for the Time being entitled in possession to the Estate or Interest of the original Landlord, under any Lease or other Contract of Tenancy, whether the Interest of such Landlord shall have been acquired by lawful Assignment, Devise, Bequest, or Act and Operation of Law, and whether he has a Reversion or not:

The Word "Tenant" shall mean the Person entitled to any Lands under any Lease or other Contract of Tenancy, whether the Interest of such Tenant shall have been acquired by original Contract, lawful Assignment, Devise, Bequest, or Act and Operation of Law:

The Expression "perpetual Interest" shall comprehend, in addition to any greater Interest, any Lease or Grant for One or more than One Life, with or without a Term of Years, or for Years, whether absolute, or determinable on One or more than One Life, with a Covenant or Agreement by a Party competent thereto, in any of such Cases, whether contained in the Instrument by which such Lease or Contract is made or in any separate Instrument, for the perpetual Renewal of such Lease or Grant:

The Word "Rent" shall include any Sum or Return in the Nature of Rent, payable or given by way of Compensation for the Holding of any Lands:

The Word "Agreement" shall include every Covenant, Contract, or Condition expressed or implied in any Lease:

The Word "County" shall extend to and include a County of a City, a County of a Town, a City and County, and a Riding of a County:

The Expression "Chairman" shall mean the Chairman of the Quarter Sessions of the County, and shall extend to and include the Recorder of the City of *Dublin* and Borough of *Cork*, and the Recorder of any Borough or Town in *Ireland* under the Act passed in the Third and Fourth Years of Her Majesty's Reign, intituled *An Act for the Regulation of Municipal Corporations in* Ireland, and their Deputies lawfully appointed:

The Expression "Clerk of the Peace" shall extend to and include the Registrar of the Chairman of the Quarter Sessions of the County of *Dublin*, so long as such Registrar shall continue in Office, and the Registrar of Civil Bills for the City of *Dublin*, and also the Acting or Deputy Clerk of the Peace, or Registrar or other Officer discharging the Duties of such Clerk of the Peace or Registrar.

II. In

II. In citing this Act it shall be sufficient to use the Expression "The Landlord and Tenant Law Amendment Act, *Ireland*, 1860." Short Title.

III. The Relation of Landlord and Tenant shall be deemed to be founded on the express or implied Contract of the Parties, and not upon Tenure or Service, and a Reversion shall not be necessary to such Relation, which shall be deemed to subsist in all Cases in which there shall be an Agreement by one Party to hold Land from or under another in consideration of any Rent. *Contract of Tenancy.* Relation to rest on Contract of Parties.

IV. Every Lease or Contract with respect to Lands whereby the Relation of Landlord and Tenant is intended to be created for any Freehold Estate or Interest, or for any definite Period of Time not being from Year to Year or any lesser Period, shall be by Deed executed, or Note in Writing signed by the Landlord or his Agent thereunto lawfully authorized in Writing. Contract for definite Periods to be by Deed, or Note in Writing.

V. In case any Tenant or his Representative, after the Expiration or Determination of the Term agreed upon in any Lease or Instrument in Writing, shall continue in possession for more than One Month after Demand of Possession by the Landlord or his Agent, such Continuance shall, at the Election of the Landlord, be deemed to constitute a new Holding of the said Lands from Year to Year, subject to the former Rent and to such of the Agreements contained in the Lease or Instrument as may be applicable to the new Holding. Continuance after Expiration of Contract.

VI. Every Tenancy from Year to Year shall be presumed to have commenced on the last Gale Day of the Calendar Year on which Rent has become due and payable in respect of the Premises, until it shall appear to the contrary. Presumed Commencement of Tenancy.

VII. The Estate or Interest of any Tenant under any Lease or other Contract of Tenancy shall not be surrendered otherwise than by a Deed executed, or Note in Writing signed by the Tenant or his Agent thereto lawfully authorized in Writing, or by Act and Operation of Law. Surrenders to be in Writing.

VIII. The Surrender of any Lease made before or after the passing of this Act for the Purpose of obtaining a Renewal thereof, shall be valid without the Surrender of the Interests of the Under-tenants thereunder; and the Owners of such renewed Lease for the Time being and their Representatives shall have the same Rights and Remedies as against such Under-tenants as he or they would have had or have been entitled to had such Surrender not been executed; and the Lease may be renewed without Surrender of Under-tenancies.

the Chief Landlord shall have the same Remedies against the Premises for the Rents and Duties reserved in such new Lease, not exceeding the Rents and Duties reserved by the Lease out of which such Under-tenancies were derived, as he would have been entitled to in case no such Surrender had been executed.

As to Assignment of Estate and Interest of Tenant.

IX. The Estate or Interest of any Tenant in any Lands under any Lease or other Contract of Tenancy shall be assigned, granted, or transmitted by Deed executed, or Instrument in Writing signed by the Party assigning or granting the same, or his Agent thereto lawfully authorized in Writing, or by Devise, Bequest, or Act and Operation of Law, and not otherwise; and in case the said Estate or Interest shall, on the Death of the Tenant, remain undisposed of and without any special Occupant, it shall pass to the personal Representative of the Tenant as Part of the Personal Estate of such Tenant.

Assignment contrary to Agreement.

X. Where any Lease has been or shall be made containing an Agreement restraining or prohibiting Assignment, the Benefit of which has not been waived before the First Day of *June* One thousand eight hundred and twenty-six, it shall not be lawful to assign the Lands or any Part thereof contrary to such Agreement without the Consent in Writing of the Landlord or his Agent thereto lawfully authorized in Writing, testified by his being an executing Party to the Instrument of Assignment, or by an Indorsement on or Subscription of such Instrument.

Assignee liable to Condition against Assignment.

XI. Every Assignee of the Estate or Interest or any Part thereof of any Tenant, by lawful Assignment, or by Devise, Bequest, or Act and Operation of Law, made after the passing of this Act, shall be subject to the Observance of all Agreements in respect of Assignment or subletting to the same Extent as the original Tenant might have been.

Benefit of Covenants and Agreements transferred to Assignee of the Landlord.

XII. Every Landlord of any Lands holden under any Lease or other Contract of Tenancy shall have the same Action and Remedy against the Tenant, and the Assignee of his Estate or Interest, or their respective Heirs, Executors, or Administrators, in respect of the Agreements contained or implied in such Lease or Contract, as the original Landlord might have had against the original Tenant, or his Heir or personal Representative respectively; and the Heir or personal Representative of such Landlord on whom his Estate or Interest under any such Lease or Contract shall devolve or should have devolved shall have the like Action and Remedy against the Tenant, and the Assignee of his Estate or Interest, and their respective Heirs or personal

sonal Representatives, for any Damage done to the said Estate or Interest of such Landlord by reason of the Breach of any Agreement contained or implied in the Lease or other Contract of Tenancy in the Lifetime of the Landlord, as such Landlord himself might have had.

Benefit of Covenants and Agreements transferred to Assignee of the Tenant.

XIII. Every Tenant of any Lands shall have the same Action and Remedy against the Landlord and the Assignee of his Estate or Interest, or their respective Heirs, Executors, or Administrators, in respect of the Agreements contained or implied in the Lease or other Contract concerning the Lands, as the original Tenant might have had against the original Landlord, or his Heir or personal Representative respectively; and the Heir or personal Representative of such Tenant on whom his Estate or Interest shall devolve or should have devolved shall have the like Action and Remedy against the Landlord, and the Assignee of his Estate or Interest, and their respective Heirs and personal Representatives, for any Damage done to the said Estate or Interest of such Tenant by reason of the Breach of any Agreement contained or implied in the Lease or other Contract of Tenancy in the Lifetime of the Tenant, as such Tenant might have had.

Liability of Assignee to cease after Assignment over.

XIV. No Landlord or Tenant, being such by Assignment, Devise, Bequest, or Act and Operation of Law only, shall have the Benefit or be liable in respect of the Breach of any Covenant or Contract contained or implied in the Lease or other Contract of Tenancy, otherwise than in respect of such Rent as shall have accrued due, and such Breaches as shall have occurred or continued subsequent to such Assignment, and whilst he shall have continued to be such Assignee: Provided, however, that no Assignment made by any Assignee of the Estate or Interest of any Tenant shall discharge such Assignee from his Liability to the Landlord, unless and until Notice in Writing of the Particulars of such Assignment shall have been given to the Landlord.

Assignee liable till End of accruing Gale.

XV. Every Tenant, being an Assignee as aforesaid, who shall have assigned his Estate or Interest in the Lease or other Contract of Tenancy in the Interval between Two Gale Days, shall, notwithstanding such Assignment, be liable as Assignee to the Payment of the Rent and the Performance of the Agreements contained in the Lease or other Contract up to and including the Gale Day next following the Service of Notice of the said Assignment.

Adoption of Assignee, Discharge of Tenant from Covenants.

XVI. From and after any Assignment hereafter to be made of the Estate or Interest of any original Tenant in any Lease, with the Consent of the Landlord, testified in manner specified in Section Ten, the Landlord so consenting shall be deemed to have released

 and

and discharged the said Tenant from all Actions and Remedies at the Suit of such Landlord, and all Persons claiming by, through, or under him, in respect of any future Breach of the Agreements contained in the Lease, but without Prejudice to any Remedy or Right against the Assignee of such Estate or Interest.

Fixtures of Trade or Agriculture erected by the Tenant may be removed.

XVII. Personal Chattels, Engines, and Machinery, and Buildings accessorial thereto, erected and affixed to the Freehold by the Tenant at his sole Expense, for any Purpose of Trade, Manufacture, or Agriculture, or for Ornament, or for the domestic Convenience of the Tenant in his Occupation of the demised Premises, and so attached to the Freehold that they can be removed without substantial Damage to the Freehold or to the Fixture itself, and which shall not have been so erected or affixed in pursuance of any Obligation or in violation of any Agreement in that Behalf, may be removed by the Tenant, or his Executors or Administrators, during the Tenancy, or when the Tenancy determines by some uncertain Event, and without the Act or Default of the Tenant, within Two Calendar Months after such Determination, except so far as may be otherwise specially provided by the Contract of Tenancy; provided that the Landlord shall be entitled to reasonable Compensation for any Damage occasioned to the Premises by such Removal.

Sub-letting.

Sub-letting contrary to Agreement to be void.

XVIII. When any Lease has been or shall be made containing an Agreement against sub-letting or against letting in Conacre, the Benefit of which has not been waived before the First Day of *June* One thousand eight hundred and twenty-six, it shall not be lawful for the Tenant to sub-let the said Lands or any Part thereof, or, in case of an Agreement against letting in Conacre, to let the same in Conacre, without the express Consent in Writing of the Landlord or of his Agent thereto lawfully authorized, testified by his being a Party to the Instrument of Sub-lease, or by an Indorsement on or Subscription of such Instrument, "or by a Note in Writing signed by such Landlord or his Agent," and no Receipt of Rent by any Landlord or his Agent shall be deemed to be a Waiver of any such Agreement against sub-letting.

Sub-letting with Consent to free Sub-tenant from double Charge.

XIX. Where any Sub-letting shall take place with the Consent of the Landlord given in manner aforesaid, except in the Case of a Building Lease, and the Sub-tenant shall have paid and satisfied the Rent or any Part thereof due from him to the Tenant or his Representatives, the Receipt of such Tenant or his Representatives shall be a full Discharge to such Sub-tenant and the Lands sub-let, as against the Landlord so consenting, in respect of all Rent issuing out of the same and

and theretofore due, except so much, if any, as remains due from the Sub-tenant; provided the Landlord shall not have previously served the Notice upon the Default herein-after mentioned: Provided always, that such Discharge to such Sub-tenant shall be without Prejudice to the Landlord's Remedies for the Balance of his Rent against the Tenant or his Representatives and the other Premises out of which such Rent shall accrue due.

Landlord's Notice to Sub-tenant to pay Rent to him.

XX. Where any Tenant sub-letting shall neglect to pay to his Landlord the Rent payable in respect of the Lands comprised in the Lease, it shall be lawful for the Landlord, or his Agent lawfully acting in that Behalf, after and as often as One Gale of such Rent shall have accrued due and remained unpaid for the Space of One Month, to give Notice in Writing to the Sub-tenant, requiring him to pay to the Landlord so much of the Rent payable by such Sub-tenant to the Tenant under whom he holds as may be sufficient to discharge the Gale or Gales stated in such Notice to be due from the Tenant to the Landlord, such Notice to be delivered to the Sub-tenant, or left at his usual Place of Abode with some Member of his Family above the Age of Sixteen Years; and thereupon such Sub-tenant shall be liable to pay to the Landlord all Rent that may accrue due after the Receipt of such Notice, or so much thereof as may be sufficient to discharge such Gale or Gales; and the Receipt of the Landlord or his Agent shall be a full Discharge to the Sub-tenant against the Tenant in respect of all Rent so paid; and the said Landlord and his Representatives shall be entitled to all such Rights and Remedies for the enforcing Payment of such Rent as the said Tenant so sub-letting might have had.

Sub-tenant's Election to pay Rent to Landlord.

XXI. Where any Tenant sub-letting shall neglect to pay his Landlord the Rent payable in respect of the Lands comprised in the Lease, it shall be lawful for the Sub-tenant, after and often as any One Gale of such Rent shall have accrued due and remain unpaid to such Landlord, and before any Action brought by such Tenant against the Sub-tenant, voluntarily to make Payment of so much of the Rent due by such Sub-tenant to such Tenant as may be sufficient to discharge such Gale or Gales; and the Receipt of the Landlord or his Agent shall be a full Discharge to the Sub-tenant against the Tenant in respect of all Rent so paid.

Provision for Sub-letting with Consent.

XXII. When any Sub-letting shall take place with such Consent as aforesaid, it shall not be deemed a general Waiver of the Benefit of the Agreement against sub-letting.

XXIII. In

Evidence.

Proof of Contents of Lease.

XXIII. In all Actions, Suits, and Proceedings, Proof by or on behalf of any Landlord of the Perfection of the Counterpart of any Lease shall be equivalent to Proof of the Perfection of the original Lease; and in case it shall appear that no Counterpart existed, or that the Counterpart has been lost, destroyed, or mislaid, Proof of a Copy of the original Lease or Counterpart, as the Case may be, shall be sufficient Evidence of the Contents of the Lease, as against the Lessee or any Person claiming from or under him.

Proof of Landlord's Title, when derivative.

XXIV. In all Actions, Suits, and Proceedings brought by or against any Person claiming to be Landlord otherwise than by original Contract, after Proof of the original Lease or Contract, it shall be sufficient *primâ facie* Evidence of the Title of such Person as Landlord, as to all Parties in the said Suit or Proceeding, to prove that he has for One Year at least, or that the Person under whom immediately he derives his Title has for One Year at least, and within Three Years before the Transmission of such Title, received the Rent of the Lands in respect of which such Action, Suit, or Proceeding shall be brought from a Party in possession thereof.

Mines, &c., Rights and Reservations.

Tenant in Fee-farm not impeachable of Waste.

XXV. No Tenant of any Lands entitled to any perpetual Interest under any Lease or Grant made after the First Day of *January* One thousand eight hundred and sixty-one shall be impeachable of any Waste, other than fraudulent or malicious Waste, except in so far as such Tenant shall, by any Agreement contained in the Lease or Grant, be prohibited from doing or permitting any Act: Provided that no Fee-farm Grant made under the "Renewable Leasehold Conversion Act," or any renewed Lease executed after the First of *January* One thousand eight hundred and sixty-one, in pursuance of an Agreement for Renewal contained in a Lease made before the passing of this Act, shall be deemed to be a perpetual Interest made after the First Day of *January* One thousand eight hundred and sixty-one within the Meaning of this Section.

Tenant of lesser Interest not to open Mines or Quarries.

XXVI. No Tenant of any Lands holden for any Estate or Interest less than a perpetual Estate or Interest, made after the First Day of *January* One thousand eight hundred and sixty-one, by virtue of any Lease or Contract, shall, without the previous Consent in Writing of the Landlord, being a Person competent to grant such Licence, or of his Agent duly authorized to act on his Behalf, open, dig for any unopened Mines, Minerals, or Quarries, or (except as herein-after provided) remove the Soil or Surface or Subsoil of the said Lands, or permit or commit any other Manner of Waste thereon, unless the said Lands shall have been, in express Terms, leased for the Purpose or with the Permission of being so used and enjoyed.

XXVII. Where

XXVII. Where any Lease shall be made on or after the First Day of *January* One thousand eight hundred and sixty-one of Lands containing any Mines or Minerals which at the Time of the making of such Lease shall have been opened or worked, it shall be lawful for the Tenant thereof to enter upon and follow, and to work and dig for, and remove the said Mines or Minerals, whether they shall have been granted by Name or not in the said Lease, unless by the said Lease it shall be otherwise provided.

Tenant may work Mines already opened.

XXVIII. Where any Lease or Demise shall be made on or after the First Day of *January* One thousand eight hundred and sixty-one of Lands containing any Quarries or Beds of Stone, Limestone, Sand, Marl, Gravel, or Clay, which at the Time of the making of such Lease shall have been opened or worked, it shall be lawful for such Tenant, unless by the said Lease otherwise provided, to work, dig for, and use such Quarries or Beds so far as may be necessary or useful for the Purposes of Agriculture and good Husbandry, and the lawful Erection or Repair of any necessary Buildings on the said Lands, but not for any Purpose of Trade or Manufacture, or for Profit or Sale, unless the Right so to use and enjoy the same shall have been expressly granted in Writing by the Landlord being competent so to grant as aforesaid.

Tenant may work Quarries already open, but not for Profit or Sale.

XXIX. Where any Lease or Demise shall be made on or after the First Day of *January* One thousand eight hundred and sixty-one of Lands containing Turf Bog, unreclaimed and unprofitable for Agriculture, or where any Lease shall be so made giving a Right of Turbary on the Premises, or conferring a Right of Common of Turbary on Premises not comprised in the Lease, it shall be lawful for the Tenant, unless by the said Lease it be specially provided to the contrary, to cut, use, and enjoy the said Turf Bog, so far as shall be necessary for the *bonâ fide* Use on the demised Premises of the Tenant and his lawful Sub-tenants, but not for any Purpose of Trade or Manufacture, or for Profit or Sale, unless the Right so to use and enjoy the same shall have been expressly granted in Writing by the Landlord being competent so to grant as aforesaid.

Tenant may cut Turf, but not for Sale.

XXX. No Tenant under any Lease or other Contract of Tenancy conferring an Estate or Interest less than a perpetual Estate or Interest shall burn or permit to be burned the Soil or Surface of the Land, or any Part thereof, without the previous Consent in Writing of the Landlord, being a Person competent to grant such Licence, under a Penalty not exceeding Twenty Pounds for each Statute Acre or any fractional Part of an Acre on which such burning shall take place, to be recoverable by the immediate Land-

Tenant shall not burn Land.

lord by Civil Bill Action in the County in which the Tenant usually resides, or in the County in which the Lands or any Part of them are situate, at the Election of the Landlord.

Tenant shall not cut or lop Trees.

XXXI. No Tenant of any Lands holden under any Lease or other Contract of Tenancy conferring an Estate or Interest less than a perpetual Estate or Interest, and made on or after the First Day of *January* One thousand eight hundred and sixty-one, shall cut down, top, lop, or grub any Tree or Wood growing on the said Lands, unless such Tenant shall be authorized thereto by Covenant or Agreement in the Lease under which the Lands are holden, if there be a Lease, or unless such Tenant shall have the previous Consent in Writing of the Landlord competent to give such Consent for that Purpose, or shall have been lawfully required so to do, under a Penalty not exceeding Five Pounds for each Tree cut down, topped, lopped, or grubbed, to be recoverable by the immediate Landlord by Civil Bill Action in the County in which the Tenant usually resides, or in the County in which the Lands or any Part of them are situate, at the Election of the Landlord: Provided that nothing in this Provision contained shall affect any Right which any Tenant may lawfully exercise or enjoy in respect of Trees duly registered and belonging to such Tenant, or in respect of Willows, Osiers, or Sallows, under any Act in force in *Ireland*.

Where Mines reserved, Landlord may work or lease the Mines.

XXXII. Where Lands shall be granted or leased for any Estate or Interest, excepting thereout the Mines and Minerals upon the demised Premises, it shall be lawful for the Person entitled to the Rent thereof, in Fee Simple, Fee Farm, Fee Tail, or for Life, with immediate Remainder to his own Issue, to open, dig for, and work all Mines and Minerals found in or upon the said Lands, and to carry away the Ore thereof, or to lease the same to any Person or Persons for any Term within the leasing Power of such Person in respect of Mines and Minerals; and such Owner or his Lessee shall have full Liberty to enter on the said Lands, and to build and make all Houses, Railways, Tramways, and Conveniences necessary for the Purpose of mining, and to employ all Streams on the said Land not previously occupied, making to the Tenant of said Lands such yearly or other Compensation or Allowance for the Damage sustained by reason of such digging of the Ore, or building the said Houses, or otherwise using of the said Lands or Streams, as shall be agreed upon between the said Parties, or in case they shall not agree, then such Compensation or Allowance as shall be ascertained by the Chairman of the County upon a Civil Bill Action brought for that Purpose with the same Incidents as in ordinary Civil Bill Process: Provided, however, that no Person shall search for, open, or work any Mine or Mineral,

Mineral, by virtue of this Act, on any Spot of Ground on which any Church or other Place of Worship, Graveyard, Cemetery, or Public School shall be situate, nor within Thirty Yards thereof, nor upon any Spot of Ground on which any House, Outhouse, Garden, Orchard, or Avenue shall be situate, without the Consent of the Tenant in possession thereof first had and obtained.

Compensation to be ascertained by the Chairman.

XXXIII. Where such Parties shall not agree upon the Amount of Compensation to be paid for the Injury sustained by the Entry on or Use of Lands for the Purpose of mining in manner aforesaid, it shall be lawful for the Party claiming such Compensation to bring a Civil Bill Action for the Amount claimed before the Chairman of the County in which the Lands or the greater Part of them are situate, and the Chairman shall, with the Assistance of a Jury on their Oaths as aforesaid, make such Decree or Dismiss thereon, and subject to the like Appeal as in ordinary Cases of Civil Bill Actions for Injuries sustained.

Tenant, in lieu of Emblements, shall continue to hold until last Gale Day of current Year.

XXXIV. Where the Lease or Tenancy of any Farm or Lands (held at Rackrent) shall determine by the Death or Cesser of the Estate of any Landlord entitled for his Life or for any other uncertain Interest, or by the Death of the Lives in the Tenant's Lease, or by the happening of any Contingency whereby such Lease or Tenancy shall determine without the Act or Default of the Tenant, the Tenant in occupation, in lieu of the Right to Emblements, where such Right shall exist, shall, if he think proper so to do, continue to hold and occupy such Farm or Lands until the last Gale Day of the current Year in which such Tenancy shall determine, and shall then quit upon the Terms of his Lease or Holding, in the same Manner as if such Lease or Tenancy were then determined by Effluxion of Time or other lawful Means, during the Continuance of his Landlord's Estate; and the Landlord or succeeding Landlord or Owner shall be entitled to recover Rent from the Tenant in the same Manner as if the Tenant's Interest had only determined on such Gale Day; and the Landlord, or the succeeding Landlord or Owner, and the Tenant respectively, shall, as between themselves and as against each other, be entitled to all the Benefits and Advantages, and be subject to all the Terms, Conditions, and Restrictions, to which the Landlord or preceding Landlord or Lessor and such Tenant respectively would have been entitled and subject in case the Lease or Tenancy had determined in manner aforesaid at the Expiration of such current Year: Provided always, that no Notice to quit shall be necessary or required by or from either Party to determine any such Holding and Occupation as aforesaid.

XXXV. Where

Prevention of Waste, and Law of Repairs.

Magistrate's Precept to restrain Waste.

XXXV. Where any Person shall be in possession of Lands, or of any Dwelling House, Outhouse, or Buildings, as Tenant thereof, or as a Servant or Caretaker of any Owner, or having obtained the Possession thereof from any such Tenant, Servant, or Caretaker, and the Landlord or Owner or other Person interested in the Preservation of the Premises, or any Agent acting on his Behalf, shall, by Affidavit, satisfy any Justice of the Peace of the County, not being a Party interested in the said Premises, (who is hereby authorized and required to take such Affidavit,) that there exists probable and just Grounds of Suspicion that such Person is about to commit or to permit or suffer any unlawful Waste, Injury, Alteration, Destruction upon, or Removal from any such Dwelling House, Outhouse, or other Building, or intends unlawfully to burn or break up any Part of the Soil or Surface or Subsoil of the Lands, or unlawfully to remove the Soil or Surface or Subsoil of the said Lands, or unlawfully to cut down, top, lop, or grub any Trees, Woods, or Underwoods growing on the said Lands, or otherwise use or misuse the Premises or any Part thereof, contrary to his Agreement, or that he is in the Act of doing or suffering any of the aforesaid Matters, it shall be lawful for such Justice of the Peace to issue his Precept in Writing under his Hand and Seal, stating that Information had been received that such Waste or Injury is intended to be or is in the Act of being done or permitted, and commanding all such Persons and all other Persons whomsoever to desist from such Waste or Injury, and not to continue the same until special Leave and Authority for that Purpose shall be first procured from the Magistrate who shall have signed such Precept, or until the Subject Matter of the said Information be inquired into at the next Petty Sessions of the District in which the said Premises are situate, or such other Time as may be therein mentioned; and such Precept may be according to the Form No. 1. in the Schedule (A.) to this Act annexed, and shall be served on every or any Person by whom it shall be suspected that such Waste or Injury is intended to be or is being committed, by delivering a Copy thereof to such Person, if he can be found, and if not, by affixing a Copy thereof on the principal Door or Entrance to the Dwelling House, Outhouse, or other Building, and if there be no such House or Building, on some conspicuous Part of the Premises; and the said Persons shall and may attend at the Petty Sessions, and such Order may be made thereat by the Court of Petty Sessions for annulling or continuing for a limited Period the said Precept, or otherwise as may be agreeable to Justice.

Punishment of Disobedience of Precept.

XXXVI. If any Person shall, after the Service or posting of such Precept, in disobedience thereto, without such Leave and Authority as aforesaid, proceed with or continue to do the Act prohibited by such

such Precept, or wilfully aid, abet, or assist in so doing, he shall, on Conviction thereof before Two or more Justices of Peace at Petty Sessions, be liable to be imprisoned for a Period not exceeding One Calendar Month; and all the Provisions of the "Petty Sessions (*Ireland*) Act" respecting summary Convictions before Justices at Petty Sessions, and respecting Appeals therefrom, shall be applicable to every Conviction under this Section.

Annulling Precept of Magistrate.

XXXVII. It shall be lawful for any of the Superior Courts of Law or Equity in *Ireland*, or any Judge thereof, or for the going Justices of Assize, or One of them, or for the Chairman presiding in the County, on a summary Application on behalf of any Person aggrieved by any such Precept, Order, or Conviction, of which due Notice shall be given to the opposite Party, to annul or vary any such Precept granted by any Justice of the Peace, or any Order or Conviction made at Petty Sessions in relation thereto, and to award as between the Parties a reasonable Sum for the Costs occasioned by the procuring and sustaining, or annulling or varying, the said Precept, or Order or Conviction, and reasonable Compensation for any Loss or Damage caused by the procuring such Precept or Order.

Landlord may enter to inspect Waste.

XXXVIII. It shall be lawful for the Landlord of any Premises holden under Lease or other Contract of Tenancy made on or after the First Day of *January* One thousand eight hundred and sixty-one, upon which any Waste, Misuser, or Destruction shall have been committed or suffered, and his Agent lawfully authorized, at any reasonable Time to enter upon the Premises so wasted or misused, and to inspect and, if necessary, to survey the same for the Purpose of ascertaining the Nature and Extent of any Waste or Injury done, or the Quantity of Land burned contrary to the Provisions of this Act; and if any Person shall hinder or obstruct such Landlord or Agent in making such Entry, Inspection, or Survey, he shall forfeit to the said Landlord a Sum not exceeding Ten Pounds, to be recovered by Civil Bill Action in the same Manner and with the like Appeal as in ordinary Cases of Civil Bill Actions.

Ordinary Civil Remedies preserved.

XXXIX. Nothing in this Act contained shall deprive any Landlord or Owner of any Lands of any other Remedy, either at Law or in Equity, which he might previously have had or pursued against any Person for any Injury sustained by such Landlord or other Person, or for preventing such Injury.

Destruction of Subject of the Lease to determine the Tenancy.

XL. If any Dwelling House or other Building constituting the substantial Matter of the Demise, and holden by any Tenant under any Lease or other Contract of Tenancy not containing an express Cove-

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nant or Agreement binding on the Tenant to repair the same, shall be destroyed, become ruinous and uninhabitable, or incapable of beneficial Occupation or Enjoyment, by accidental Fire or other inevitable Accident, and without the Default or Neglect of the said Tenant, it shall be lawful for such Tenant to surrender the said Premises, and on tendering the said Surrender, and on Payment of all Rent and Arrears due or accruing due, or tendering the same, the said Tenant shall be thenceforth discharged from all Obligation to pay the Rent or perform the Covenants and Conditions in the Lease thenceforward.

Covenants and Conditions.

Covenants implied on behalf of Landlord.

XLI. Every Lease of Lands or Tenements made after the Commencement of this Act shall (unless otherwise expressly provided by such Lease) imply an Agreement on the Part of the Landlord making such Lease, his Heirs, Executors, Administrators, and Assigns, with the Tenant thereof for the Time being, that the said Landlord has good Title to make such Lease, and that the Tenant shall have the quiet and peaceable Enjoyment of the said Lands or Tenements without the Interruption of the Landlord or any Person whomsoever during the Term contracted for, so long as the Tenant shall pay the Rent and perform the Agreements contained in the Lease to be observed on the Part of the Tenant.

Covenants implied on behalf of the Tenant.

XLII. Every Lease of Lands or Tenements made after the Commencement of this Act shall (unless otherwise expressly provided by such Lease) imply the following Agreements on the Part of the Tenant for the Time being, his Heirs, Executors, Administrators, and Assigns, with the Landlord thereof; that is to say,

1. That the Tenant shall pay, when due, the Rent reserved and all Taxes and Impositions payable by the Tenant, and shall keep the Premises in good and substantial Repair and Condition:

2. That the Tenant shall give peaceable Possession of the demised Premises, in good and substantial Repair and Condition, on the Determination of the Lease (Accidents by Fire without the Tenant's Default excepted), subject, however, to any Right of Removal (or of Compensation for Improvements) that may have lawfully arisen in respect of them, and to any Right of Surrender in case of the Destruction of the Subject Matter of the Lease as herein-before mentioned.

Waiver and Dispensation of Covenants.

XLIII. Where any Lease made after the Commencement of this Act shall contain or imply any Condition, Covenant, or Agreement to be observed or performed on the Part of the Tenant, no Act hereafter done or suffered by the Landlord shall be deemed to be a Dispensation with such Condition, Covenant, or Agreement, or a Waiver of the Benefit of the same in respect of any Breach thereof, unless

unless such Dispensation or Waiver shall be signified by the Landlord or his authorized Agent in Writing under his Hand.

Surrender of Portion of Premises not to prejudice Rights of Landlord.

XLIV. The Surrender to or Resumption by a Landlord, or Eviction of any Portion of the Premises demised by a Lease, shall not in any Manner prejudice or affect the Rights of the Landlord, whether by Action, or Entry, or Ejectment, as to the Residue of said Premises.

Actions for Rent.

Action for Rent in arrear.

XLV. Every Person entitled to any Rent in arrear, whether in his own Right or in right of his See, Dignity, Benefice, or Corporation, or in right of his Wife, or as Executor or Administrator of any Party deceased, under any Lease or other Contract of Tenancy, whether of Freehold or for Years or both, and whether the Estate or Interest in such Lease or Contract shall be continuing or not, shall be entitled to recover such Arrear from the Tenant of such Lands at the Time of the accruing of the said Rent, or his Executors or Administrators, by an Action in any of the Superior Courts of Law at *Dublin*, or, where the Amount shall not exceed the Sum of One hundred Pounds, by Civil Bill Action in the Court of the Chairman of the County or Riding in which the Lands or any Part of them shall be situate.

Action for Use and Occupation.

XLVI. Every Person entitled to any Lands, and who shall suffer the said Lands to be holden or occupied by any Person under an Agreement not specifying or determining the Amount of Rent, shall be entitled to recover a reasonable Satisfaction for the Use and Occupation of the said Premises holden or occupied by the said Person in an Action in any of the Superior Courts of Law at *Dublin*, or where the Amount shall not exceed the Sum of One hundred Pounds, by Civil Bill Action in the Court of the Chairman of the County in which the Lands or any Part of them shall be situate.

Receipts to apply to last Gale.

XLVII. Every Receipt or Acknowledgment for Rent or for Money paid on account thereof, and given on or after the First Day of *January* One thousand eight hundred and sixty-one, shall specify the Gale for or on account of which the same was accepted and paid, and in default thereof such Money shall, in any Action, Suit, or Proceeding whatsoever, be deemed to have been paid and accepted for and on account of the Gale of Rent which became due upon the Gale Day immediately preceding the Date of such Payment, and shall be *primâ facie* Evidence that all previously accrued Gales have been satisfied.

Set-off against Rent.

XLVIII. All Claims and Demands by any Landlord against his Tenant in respect of Rent shall be subject to Deduction or Set-off in respect of all just Debts due by the Landlord to the Tenant.

XLIX. In

Apportionment of Rent where Lease has Continuance.

XLIX. In case any Landlord, being Tenant in Fee or for any lesser Estate, shall die before the Day on which the Rent reserved in any Lease or other Contract of Tenancy, or on any Parol Tenancy from Year to Year, shall have or shall become payable, and such Lease, Contract, or Tenancy shall have Continuance notwithstanding such Death, the Rent shall be apportioned in such Manner that the Executors, Administrators, or Assigns of such Landlord shall be entitled to a proportionate Part of such Rent according to the Time during which the said Rent was accruing due before such Death, including the Day on which such Death shall have happened, making all just and fair Allowances in respect of the proportionate Part of the Charges on said Lands: Provided that the Person liable to pay such Rent shall not be resorted to for any apportioned Part thereof specifically, but that the entire Rent shall be received and recovered by the Person who but for such Apportionment would have been entitled to the entire Rent, and such Proportion shall be received and recovered from such Person by the Parties entitled to the same under this Act.

Providing for Cases not coming within the Provisions of Clause 34.

L. In every Case not coming within the Provisions of Clause Thirty-four, when the Tenancy determines, otherwise than by the Act of the Landlord, at any Time before the Day on which the Rent would become payable, the Landlord at the Time of such Determination (unless it is otherwise agreed) shall be entitled to a reasonable Proportion of the Rent according to the Time that has elapsed from the Commencement of the Tenancy, or the last Gale Day, to the Day of the Determination of such Tenancy, including such Day.

No Distress for more than One Year's Rent.

LI. From and after the Commencement of this Act, it shall not be lawful for any Landlord, or any one on his Behalf, to take or seize any Distress for Rent which became due more than One Year before the making of such Distress.

Ejectment for Year's Rent unpaid.

LII. Whenever a Year's Rent shall be in arrear in respect of Lands held under any Fee Farm, Grant, Lease, or other Contract of Tenancy, or from Year to Year, and whether by Writing or otherwise, it shall be lawful for the Landlord immediately thereon, and before the Expiration of the Time, if any, limited for Re-entry thereupon in any Lease or Agreement, to proceed by Ejectment for the Recovery of the Possession of the said Lands in any of the Superior Courts of Law at *Dublin*, or, where the Rent shall not exceed One hundred Pounds by the Year, in the Court of the Chairman of the County in which the Lands or any Part thereof are situated; and the Plaintiff's Right to sue as such Landlord shall not be defeated by Proof merely that the legal Estate in the Rent or Lands is vested

in

in any other Person not a Party to such Suit or Proceeding, but who would be a Trustee for the Plaintiff, provided that the Plaintiff was at the Time of the Institution of such Suit or other Proceeding the Person substantially and beneficially entitled to the said Rent.

Reversion and Fictions unnecessary.

LIII. In any Ejectment under this Act it shall not be necessary to allege or prove the making of any Demand or Re-entry, or the Existence of any Clause or Condition of Re-entry in the Lease or other Contract, or of any legal Reversion expectant on the Determination of the same, and subsisting in the Landlord, provided a Tenancy between the Parties shall appear to exist, whether by original Contract, or by lawful Assignment, Devise, Bequest, or Act and Operation of Law.

Form of Civil Bill for Nonpayment of Rent as in Sched. (A.)

LIV. Every Civil Bill of Ejectment for Nonpayment of Rent under this Act may be according to the Form No. 2. in the Schedule (A.) to this Act annexed, and it shall be lawful for the Chairman, on Proof of the Service of such Civil Bill in the Manner herein-after directed, and that a Sum equal to One full Year's Rent, not exceeding the Rate of One hundred Pounds by the Year after all just and fair Allowances, was due when such Proceeding by Civil Bill was commenced, and still remains due to the Landlord, to decree the said Landlord to be put into possession of the said Premises, and to ascertain the Amount of the Rent then due.

Who to be served with Summons and Process in Ejectment.

LV. In any Ejectment for Nonpayment of Rent brought by any Landlord under this Act, it shall not be necessary to serve with the Summons and Plaint in Ejectment, or with Civil Bill Process, any Person other than the Person or Persons in the actual Possession of the Lands as Tenant or Under-tenant.

Service on Persons in possession.

LVI. Service of the Summons and Plaint or Civil Bill Process in Ejectment for Nonpayment of Rent on any Person in the actual Possession as Tenant or Under-tenant of the Premises sought to be recovered, or any Part of them, shall be effected either by personal Service of the Summons and Plaint or Civil Bill Process on such Tenant or Under-tenant at any Place in *Ireland*, or by leaving a Copy thereof with the Wife, Child, Father, Mother, Brother, or Sister of the Party, or with any Servant or Clerk of the said Party, at his Dwelling House or Office or Place of Business (the Person with whom such Copy shall be left being of the Age of Sixteen Years or upwards), or in such other Manner as shall appear to the Court or Judge thereof to be sufficient.

Service where no Person in possession.

LVII. In case there shall be no Person in the actual Possession of the Premises as Tenant or Under-tenant on whom Service of such Summons and Plaint or Civil Bill Process in Ejectment can be effected, it shall be lawful instead thereof to affix a Copy of such Summons or Civil Bill Process on some conspicuous Part of the Premises, and also on the usual Place for affixing Notices in the nearest Market Town to the said Lands: Provided, however, that in such Case, before any Decree or Judgment by Default shall be given, the Court or a Judge shall be satisfied that there was no Person in actual Possession on whom other Service might have been effected: Provided also, that in case of an Ejectment for Nonpayment of Rent reserved upon any Lease of Tithes, Tithe Rentcharge, or other Ecclesiastical Dues, the Court in which the Ejectment is brought may order Service to be made by posting the Ejectment upon the Church Door of the Parish or Union of Parishes wherein such Tithe, Tithe Rentcharge, or Ecclesiastical Dues are payable, and if there be no such Church in the Parish or Union of Parishes, upon some public and conspicuous Place in the said Parish or Union.

Judgment and Decree by Default.

LVIII. In any Ejectment for Nonpayment of Rent brought in any of the Superior Courts of Law, when the Tenant shall not take Defence to the Ejectment, the Affidavit of the Landlord, his Agent, Receiver, or Clerk, stating the Amount of Rent due at the Time of the bringing of the Ejectment, over and above all just and fair Allowances, shall be sufficient Evidence of the Amount due, and shall when the same amounts to or exceeds One Year's Rent entitle the Landlord to Judgment for the Possession of the Premises, provided an Affidavit of the Service of the Summons and Plaint in such Ejectment shall have been duly filed, according to the Practice of such Court.

Defence to Civil Bill.

LIX. Every Defendant in a Civil Bill Ejectment under this Act shall be entitled to every Defence at the Hearing of such Civil Bill which he might have had at Law or in Equity.

Summons and Process to state Amount of Rent claimed.

LX. Every Summons and Plaint in Ejectment in the Superior Courts, and Civil Bill Process in Ejectment in the Court of the Chairman, for Nonpayment of Rent, shall contain or have endorsed thereon a Statement of the Amount claimed to be due by the Landlord for Rent after all just and fair Allowances up to the Time of the bringing of such Ejectment, and the Times at which such Rent accrued due, and that if the Amount thereof, together with a Sum for Costs, not exceeding in the Case of such Summons and Plaint One Pound Ten Shillings, and in the Case of a Civil Bill Process Ten

Ten Shillings, be paid to the Plaintiff or his Attorney or known Agent or Receiver within Ten Days from the Service of such Summons or Process, all further Proceedings will be stayed; and upon Payment or Tender within the Time so mentioned of the Sum so claimed, and Costs, to the Plaintiff or his Attorney or known Agent or Receiver, all further Proceedings in respect of the Rent then claimed shall cease and be stayed accordingly.

Where Amount disputed, Lodgment may be made with Clerk of the Peace.

LXI. It shall be lawful for any Defendant in a Civil Bill Ejectment for Nonpayment of Rent disputing the Amount of Rent claimed to be due, at any Time not later than Three Days before the Day on which he is required to appear, to deposit with the Clerk of the Peace of the County a Sum of Money for Rent, together with the Sum mentioned in said Civil Bill Process for Costs, for which Deposit, on Payment of the Fee of One Shilling and Sixpence, the Clerk of the Peace shall give the Defendant a Certificate of the Lodgment and Duplicate, which Duplicate shall be delivered to or left at the Abode of the Plaintiff, his Agent, Receiver, or Attorney in the Cause, not later than the Second Day before the Day on which the Defendant is required to appear; and in case the said Plaintiff, or his Attorney in the Cause, shall receive such Deposit from the Clerk of the Peace (which the Clerk of the Peace is hereby required to pay over to the Plaintiff or his Attorney, on Demand), such Payment shall be in full Discharge of the Rent and Costs claimed by the said Civil Bill; but in case the said Plaintiff, after Delivery of such Certificate, shall not accept of the said Deposit on or before the Day next previous to the Day on which the Defendant is required to appear, exclusive of any *Sunday*, and it shall appear at the Hearing of such Civil Bill that no greater Sum was due for Rent at the Time of the Service of such Process than the Sum so deposited as aforesaid, and that such Duplicate was delivered as aforesaid, it shall be lawful for the Chairman to dismiss the said Civil Bill, with Costs of the Proceedings subsequent to the Delivery of the said Duplicate, and the Plaintiff shall be entitled to the Amount so deposited, reduced by the Amount of such Costs; and if it shall appear that any greater Sum was due than the Sum deposited, it shall be lawful for the said Chairman to ascertain the Amount of Rent actually due at the Time of the Service of the Summons in Ejectment, and the Sum so deposited shall be returned to the Defendant, unless the Plaintiff shall elect to take the same in lieu of the Possession, in which Case the Plaintiff shall be entitled to receive the same in Payment of his Rent, and to have a Decree for his Costs or for the Balance of his Rent and Costs.

LXII. It

Lodgment in Court of Rent, and Undertaking to pay Costs.

LXII. It shall be lawful for any Defendant in any Action of Ejectment for Nonpayment of Rent in any of the Superior Courts of Law, at any Time before Judgment or Service of a Notice of Trial, to pay into Court a Sum of Money for Rent, with an Undertaking to pay the Costs then incurred when taxed and ascertained, and in case of Nonpayment to suffer final Judgment to be marked, or an Attachment to be issued against him; and thereupon the Plaintiff, if he shall not accept of the said Sum in full Discharge of the Action, with Costs to be taxed by the proper Officer, may proceed in the said Action at his Peril; and if upon the Trial of the Issue it shall appear that no greater Sum was due for Rent at the Time of the Service of the Summons in Ejectment than the Sum paid into Court, the Verdict shall be entered for the Defendant.

Tender before Civil Bill Decree executed.

LXIII. It shall be lawful for the Defendant in any Civil Bill Ejectment for Nonpayment of Rent, or any other Person having a specific Interest in the Lease or other Contract of Tenancy, at any Time before the Decree for Possession shall have been executed, to pay to the Plaintiff, or his Executor or Administrator, or Agent or Attorney, in the said Civil Bill, all Rent and Arrear due at the Time of the Service of the Ejectment, together with the Costs incurred, or a Sum sufficient to cover such Costs, or to tender the same, and in case such Tender shall be refused, to deposit the Money with the Clerk of the Peace of the County, for which Lodgment a Certificate and Duplicate shall be granted in manner aforesaid, and thereupon it shall be lawful for the Chairman to order all further Proceedings to be stayed and to cease, upon Payment of such Costs incurred up to the Date of such Tender as he shall deem reasonable, and the Money so lodged with the Clerk of the Peace shall be paid over to the Plaintiff, or his Executor or Administrator or Attorney, on Demand: Provided that the Decision of the Chairman shall be subject to Appeal in like Manner as if it were a Decree or Dismiss on a Civil Bill Ejectment for Nonpayment of Rent.

Tender before Writ of Habere executed.

LXIV. It shall be lawful for the Defendant in any Ejectment for Nonpayment of Rent in any of the Superior Courts, or any other Person having a specific Interest in the Lease or other Contract of Tenancy, at any Time before the Writ of Habere facias possessionem shall be executed, to pay to the Plaintiff, his Executors or Administrators, or his known Agent or Receiver, or to the Attorney in the Cause, all the Rent and Arrears due at the Time of the Service of the Ejectment, together with the Costs, or a Sum sufficient to cover such Costs, or to tender the same, and in case such Tender shall be refused, to lodge the Money in Court, and thereupon it shall be lawful for the Court,

Court, or a Judge thereof, to order all further Proceedings to be stayed and to cease, upon Payment of such Costs incurred up to the Date of such Tender as the Court or a Judge shall deem to be reasonable; and the Money so lodged in Court shall be paid to the Plaintiff, or his Executor or Administrator or Attorney, on Demand; and the Defendant shall, notwithstanding any such Payment, be at liberty to have the Costs taxed and paid back, if disallowed, with the Costs of the Taxation, in case more than One Sixth shall be disallowed.

Amount of Rent to be endorsed on Execution and payable to Sheriff.

LXV. Upon every Writ of Habere facias possessionem and Warrant under a Decree for Possession in any Ejectment for Nonpayment of Rent, there shall be a Statement of the Amount of Rent then due; and if at any Time before Execution executed the Defendant shall pay to the Sheriff the Sum so marked for Rent and Costs, such Sheriff shall stay such Execution, and shall endorse on such Writ, as a Return thereto, the Receipt of such Rent and Costs.

Remedy for Rent not prejudiced by Recovery of Possession.

LXVI. Every Landlord recovering Possession by such Judgment or Decree in any Ejectment for Nonpayment of Rent shall have the same Remedy for all Arrears of Rent to the Time of the Execution of such Judgment or Decree as such Landlord might have had if Possession had not been obtained under such Judgment or Decree.

Writ of Error no Stay of Execution unless Bail given.

LXVII. No Proceeding in Error to reverse any Judgment obtained in any Action of Ejectment for Nonpayment of Rent shall stay the Execution of the Writ of Habere facias possessionem, unless Bail in Error shall have been given.

Appeal from Civil Bill Decree.

LXVIII. Every Decree or Dismiss, or Dismiss without Prejudice, made or pronounced by any Chairman in any Action or Proceeding under this Act, shall be subject to Appeal, and under the same Restrictions and Regulations as other Cases of Civil Bills, unless so far as the said Regulations shall be inconsistent with the Provisions of this Act.

Appeal not to stay Execution unless Rent lodged.

LXIX. In any Civil Bill Ejectment for Nonpayment of Rent, in case there shall be a Decree for Possession pronounced by the Chairman therein, Execution of such Decree shall not be stayed by reason of any Appeal, unless the Defendant shall deposit with the Clerk of the Peace of the County the Amount of the Rent proved to be due on the Hearing of such Civil Bill, and the Costs thereof; and such Deposit shall be in lieu of a Recognizance in ordinary Cases of Appeal, and shall be disposed of as the Court shall direct.

Restitution to be applied for within Six Months.

LXX. In case the Defendant in any Ejectment for Nonpayment of Rent, and the Persons interested in the Lease or other Contract of Tenancy, shall suffer a Decree of Possession or Writ of Habere facias possessionem to be executed, putting the Landlord into possession of the Premises, without paying the Rent and Arrears thereof, with full Costs, or lodging the same in the Superior Court in which the Ejectment was brought, or in case of a Civil Bill Ejectment, lodging the same with the Clerk of the Peace of the County within Six Months after the Execution of the said Decree or Habere or Writ of Possession, and also making an Application to be restored to the said Possession to the Court out of which such Decree or Writ shall have issued, or to a Judge thereof, within the said Period of Six Months, or at the earliest Opportunity after on which Application can be reasonably made (and of which Application the Landlord shall receive due Notice), in every such Case, or in case the said Court or a Judge shall, upon such Application, decline to make an Order for Restitution thereon, the said Defendant, and all other Persons interested in the Lease or other Contract of Tenancy, shall be debarred from all Relief or Remedy in Law or in Equity, other than by bringing an Appeal from the said Decree of the Assistant Barrister, or a Writ of Error to reverse such Judgment of the Superior Court in case such Decree or Judgment shall be erroneous, and the said Landlord shall from thenceforth hold the demised Premises discharged from such Lease or Tenancy; provided that nothing herein contained shall affect the Right of Redemption now by Law reserved to any existing Mortgagee claiming under a duly registered Mortgage.

Proviso.

Court may award Restitution of Possession in certain Cases.

LXXI. It shall be lawful for the said Chairman, in case of any Decree for Possession for Nonpayment of Rent, and for the said Superior Court of Law in which any such Judgment in Ejectment for Nonpayment of Rent in favour of any Landlord shall have been given and executed as aforesaid, or a Judge thereof, on the Application of the Defendant or any other Person having a specific Interest in the Lease or other Contract of Tenancy, and made within the Period aforesaid, and after such Payment or Lodgment of the Rent, Arrears, and Costs as aforesaid, to hear and determine in a summary Manner the Claim of such Defendant to be restored to the Possession of the Premises so recovered, and to give such Relief therein as a Court of Equity might have done, and to award a Writ of Restitution, or to refuse such Application; provided that the Order or Decision of a single Judge in Chamber may be reversed or varied by the Court, and that it shall be lawful for any Person aggrieved by any such Order or Decision of any Chairman to appeal therefrom to the next going Judge of Assize for the County, on Payment of the Costs already incurred, and entering into Security by Recognizance in the Sum of Three

Three Pounds to abide by the Order of the said Judge on such Appeal, and such Judge of Assize shall, upon such Appeal, have Authority to make such Order touching the Application as shall seem to be just.

Ejectment for Overholding.

Overholding of Tenements under One hundred Pounds.

Civil Bill Ejectment.

LXXII. If any Tenant of any Lands holden at a Rent not exceeding the Rate of One hundred Pounds *per Annum* shall neglect or refuse to give Possession of the same after the Determination of his Interest, either by Notice to quit or otherwise, it shall be lawful for such Landlord to proceed by Civil Bill Ejectment against such Tenant and such other Person, if any, as shall be in the actual Possession of the said Premises, which Civil Bill may be according to the Form No. 3. in the Schedule (A.) to this Act annexed, and thereupon to serve with Civil Bill Process such Tenant or other Persons, and in the like Manner as herein-before required in Cases of Ejectment for Nonpayment of Rent, requiring such Persons to appear to answer the Bill of the said Landlord, praying to be put into possession thereof; and it shall be lawful for the Chairman, upon such Civil Bill, and Proof of the Service or affixing of such Process in manner aforesaid, and that the Premises had been holden of the said Landlord by the Tenant, or the Person under whom the Party in possession derives, at a Rent not exceeding the Rate of One hundred Pounds *per Annum*, and that the Interest of such Tenant has ended or determined by Efflux of Time, Notice to quit, or otherwise, to decree the said Landlord to be put into the Possession of the said Premises.

Defence and Appeal in Civil Bill.

LXXIII. Every such Civil Bill Ejectment for overholding shall be subject to the like Defence and Appeal as in case of a Civil Bill Ejectment for Nonpayment of Rent, and it shall not be necessary to make any Affidavit verifying the Contents of any Civil Bill Ejectment, whether for Nonpayment of Rent or otherwise.

Service of Summons in Ejectment for overholding.

LXXIV. The Summons and Plaint in Ejectment for the Recovery of any Lands or Premises holden over after the Expiration or Determination of the Term or Interest of any Tenant thereof shall and may be served upon the like Persons and in the like Manner as herein-before required in the Case of an Ejectment for Nonpayment of Rent under this Act.

Security from overholding Tenant in Ejectment.

LXXV. In any Case in which the Term or Interest of any Tenant under any Lease of any Lands for any Term or Number of Years certain, or from Year to Year, or at the Will and Pleasure of the Parties, shall have expired, or shall expire or be determined by Notice to quit, given either by the Landlord or the Tenant, and such Tenant, or any one holding or claiming by or under him, shall refuse to deliver

deliver up Possession accordingly, after lawful Demand in Writing made and signed by the Landlord or his Agent, and served personally upon or left at the Dwelling House or usual Place of Abode of such Tenant or Person, and the Landlord shall proceed by Action of Ejectment for the Recovery of the Possession of the Premises, it shall be lawful for him, at Foot of the Summons and Plaint, to address a Notice to such Tenant or Person of an Application to the Court in which the Action shall be pending, that the Defendant be required to find Bail for such Purposes as are herein-after mentioned; and upon the Appearance of the Party on such Motion, or in default of such Appearance, on making the usual Affidavit of the Service of the Summons and Notice, it shall be lawful for the Landlord producing the Lease or other Instrument regulating the Terms of the Tenancy, or some Counterpart or Duplicate thereof, and proving the Execution of the same, and that the Premises have been actually enjoyed under such Lease or Instrument in Writing, and that the Interest of the Tenant has expired or been determined by a regular Notice to quit, and that Possession has been lawfully demanded, to move the Court, or a Judge thereof, that the Tenant or other Person shall, within Six Days from the Date of such Application, enter into a Recognizance by himself and Two sufficient Sureties in a reasonable Sum, conditioned to pay the Costs and Damages and Mesne Profits which shall be recovered by the Plaintiff in the Action; and it shall be lawful for the Court or a Judge to make such Order thereon as shall seem to it to be just; and in case the Tenant or other Person shall refuse or neglect to comply with such Order within the Period aforesaid, then, upon an Affidavit of the Service thereof, the Plaintiff shall be at liberty, notwithstanding any Defence or Demurrer filed by such Defendant, to enter up Judgment in Ejectment for the Recovery of the Possession of the Premises and his Costs of Suit.

Action for double Rent for overholding.

LXXVI. In case any Tenant of any Lands, or any Person who shall come into possession by or under or by Collusion with such Tenant, shall wilfully hold over any Lands or Premises, or Part thereof, after the Determination of the Tenancy, whether by Notice to quit given by the Landlord or by the Tenant, or otherwise, and after a Demand of the Possession made in Writing by the Landlord or his Agent, such Tenant or other Person shall pay to the Landlord for such Time as he shall so hold or keep the Possession double the Rent or Sum which he should otherwise have paid, to be recovered at the same Times and in the same Manner as the single Rent or Sum could have been recovered during the Term.

Mesne Profits may be recovered

LXXVII. In case of any Ejectment for Nonpayment of Rent or for overholding any Premises, in any of the Superior Courts of Law, where

where the Summons and Plaint shall include a Claim for Rent or Mesne Profits, the Plaintiff, on Proof of his Right, may recover the Possession of the whole or some Part of the Premises mentioned in the Summons and Plaint in Ejectment and the Rent or Mesne Profits claimed thereby, and also the further Mesne Profits thereof which might have accrued from the Day to which the Mesne Rates claimed have been calculated, or from the Day on which the Rent for the Nonpayment of which the Ejectment shall be brought fell due, to the Day of such Trial, or some preceding Day to be specified.

in Ejectment to the Day of Trial.

Ejectment for deserted Tenements.

Civil Bill Ejectment for deserted Tenements.

LXXVIII. In case it shall happen that a Half Year's Rent shall be in arrear of any Lands or Premises holden under any Lease or other Contract of Tenancy, or from Year to Year, and the Tenant thereof shall desert or otherwise abandon such Lands or Premises, leaving the same unoccupied, or the Lands or the greater Portion of them uncultivated or unemployed, and without sufficient Distress, contrary to the Course of Husbandry, or carry off the Stock or Crop thereof, it shall be lawful for the Landlord thereof to proceed by Civil Bill Ejectment before the Chairman of the County in which the Lands or any Part of them shall be situate, to recover the Possession of them, and such Civil Bill may be according to the Form No. 4. in the Schedule (A.) to this Act annexed; such Landlord having first obtained a Certificate of Desertion in the Manner herein-after provided, and serving a Copy of the same, together with such Civil Bill Process, on the Tenant against whom such Proceedings shall be had, in the Manner herein-before provided in respect of Ejectments for Nonpayment of Rent, requiring such Tenant or other Person to appear to answer the Bill of the said Landlord, praying to be put into possession thereof; and it shall be lawful for the Chairman, on Proof of the due Execution of such Certificate by any Person who may have witnessed the Execution of the same, and that One Half Year's Rent of the said Premises was due to the Landlord when such Certificate was granted, and that such Civil Bill Process and Copy of such Certificate were duly served in manner aforesaid, and upon hearing the Tenant, in case he shall appear, and such Evidence as he may offer, to decree the said Landlord to be put into possession of the said Premises.

Certificate of Desertion.

LXXIX. In case any Lands or Premises shall be deserted or abandoned by the Tenant thereof, and the Premises left unoccupied, or the Lands or the greater Portion thereof suffered by the Tenant to remain uncultivated or unemployed, contrary to the Course of Husbandry, or the Stock or Crop thereof removed from the said Premises, it shall be lawful for any Two or more Justices of the Peace of the County in which such Lands or Premises or any Part thereof

shall be situate, and being in no way interested in the said Lands or Premises, at the Request of the Landlord thereof, or of his Agent or Receiver, to go upon and view the same between the Hours of Ten o'Clock in the Morning and Four o'Clock in the Afternoon, and having fully ascertained to their Satisfaction, by Examination of Witnesses or by their own View, that the Premises are so deserted or abandoned by the Tenant, and left unoccupied or uncultivated or unemployed, contrary to the Course of Husbandry, or that the Crops or Stock have been removed, to certify to the Chairman of the County, under their Hands and Seals, that they have together viewed the said Premises, fully describing the same, and that the same appeared to them to be deserted and unoccupied or uncultivated or unemployed, contrary to the Course of Husbandry, or that the Stock or Crops have been so removed from the Premises, and such Certificate may be according to the Form No. 5. in the Schedule (A.) to this Act annexed, and shall be Evidence of the Facts stated therein, unless the same shall be disproved to the Satisfaction of the Chairman or the Judge of Assize on Appeal.

Civil Bill Ejectment against Parties signing Acknowledgment on Execution of Habere.

LXXX. It shall be lawful for the Chairman of any County and he is hereby authorized to hear and determine by way of Civil Bill, within his Jurisdiction, all Disputes relating to the Possession of Lands or Premises holden under any Acknowledgment made upon the Execution of any Writ of Habere or Civil Bill Decree between the Plaintiff in any Action of Ejectment or Civil Bill Ejectment, or any Person claiming under him, and any Occupier who shall have signed such Acknowledgment in the Manner herein-after provided, or any Person claiming or deriving under him, and to make an Order or Decree for the Delivery of the Possession of the said Lands to the Party entitled thereto; and the Civil Bill Process therein shall be served upon every Person in the actual Possession of the Lands claimed by such Civil Bill, and if there be no Person in actual Possession, then the same shall be served by affixing such Civil Bill on some conspicuous Part of the Premises, and also on the usual Place for posting Notices in the nearest Market Town to the Premises.

Cottier Tenancies under this Act.

LXXXI. Where any Landlord shall by any Agreement or Memorandum in Writing let a Tenement, wherever situate, consisting of a Dwelling House or Cottage without Land, or with any Portion of Land not exceeding Half an Acre, Statute Measure, at a Rent not exceeding the Rate of Five Pounds by the Year, for One Month, or from Month to Month, or in like Manner for any lesser Period of Time, and shall thereby undertake to keep and maintain the said Dwelling House or Cottage in tenantable Condition and Repair, such Tenancy shall constitute and be deemed to be a Cottier Tenancy within

within the Meaning of this Act, and shall be subject to the Provisions hereafter contained in respect thereof.

When Cottier Tenancy determined by Landlord, Compensation to be made for Crop.

LXXXII. In case any such Tenancy shall be determined by Notice to quit, served by the Landlord, the said Landlord shall pay to the Tenant a fair Compensation for any Crops which may be growing on the Land belonging to such Tenement, or any Benefit accruing from the manuring of such Land, to be recovered by Civil Bill Process before the Chairman of the County or Riding in which the Premises may be situate, which Civil Bill Proceeding shall be subject to the same Right of Appeal as ordinary Civil Bill Actions now are or hereafter shall be.

Cottier Tenements to be repaired by Landlord.

LXXXIII. The Landlord of such Cottier Tenement shall be bound to keep and maintain the Dwelling House in tenantable Condition and Repair; and in case it shall be proved that the said Dwelling House was, by the Landlord's Default, unfit for Occupation by reason of the Want of such Repairs, no Rent or Compensation for the Occupation of the said Tenement during the Time it shall continue in such State and Condition shall be recoverable.

Summary Recovery of Possession of Tenements for Waste.

LXXXIV. In case any such Cottier Tenant, or any Tenant for a Shorter Period of Time than a Month, or at Will, or by Sufferance, shall maliciously or wilfully injure or destroy, or permit to be injured or destroyed, any Part of the Premises holden by him, and which the Landlord is bound to keep in repair, it shall be lawful for the Landlord to make his Complaint before any One or more Justices of the Peace for the County, not being interested in the said Premises, at Petty Sessions, and such Justice or Justices shall summon the Tenant before him or them, and hear and determine such Complaint; and if it shall be proved to his or their Satisfaction that such Tenant committed or permitted such Injury or Destruction upon the said Premises, the said Justice or Justices shall, by their Warrant in Writing, direct any Person to be therein named as special Bailiff on the Part of the Landlord to deliver Possession of the said Premises to the said Landlord or Owner; and such Warrant shall be obeyed and executed by such special Bailiff, who shall have full Power and Authority so to do.

Summary Recovery of Possession for Non-payment of Rent.

LXXXV. In case any Gale of Rent or Compensation reserved or payable upon any such Cottier Tenement shall be in arrear for the Space of Forty Days, it shall be lawful for the Landlord of the Premises to exhibit his Complaint in respect thereof before a Justice or Justices of the Peace in Petty Sessions, and to cause the said Tenant to be served with a Summons in Writing, signed by a Justice

or

or Justices having Jurisdiction in the Place in which the Premises shall be situate, to appear before Two or more Justices at the Petty Session or other Place in which such Justices usually meet for the Despatch of public Business, to show cause why Possession of the said Premises should not be delivered up to his Landlord, or his Agent or Receiver, and such Justices, or any Two or more of them, shall, in the Presence of such Tenant, or on Proof of the Service of the said Summons on the said Tenant personally, or by leaving a Copy of the same at his usual Place of Abode, determine the Matter; and if it shall appear to the said Justices that at least One Gale of such Rent, over and above all just Credits and Allowances, and any valid Set-off claimed by the Tenant, is in arrear for the Space of Forty Days aforesaid, the said Justices shall cause their Warrant to be prepared, directing Possession of the said Premises to be delivered to the Landlord, and to be executed by any special Bailiff therein named, and such Warrant shall be obeyed and executed by such Bailiff, who shall have full Power and Authority so to do.

Summary Recovery of Possession of Tenements overholden.

LXXXVI. In case the Term or Interest of any Tenant in any such Cottier Tenement shall have ended, or shall have been duly determined by a Notice to quit, and such Tenant or any Person by whom the Premises or any Part of them shall be then actually occupied shall neglect or refuse to deliver up the Possession of the same, or in case any Person shall have been put or shall be put into possession of any Lands or Premises by Permission of the Owner, as Servant, Herdsman, or Caretaker, and shall refuse or omit to quit and deliver up the Possession of the Premises, on Demand made by the Owner thereof, or his known Agent or Receiver, it shall be lawful for the Landlord or Owner of the said Premises, or his Heirs, Executors, or Administrators, or his known Agent or Receiver, to cause the Person so neglecting or refusing to quit or deliver up the Possession to be served with a Summons in Writing, signed by a Justice or Justices not interested in the said Premises, but having Jurisdiction in the Place in which the Premises shall be situate, to appear before Two or more Justices at the Petty Sessions, Town Hall, or Divisional Justice Room, or other Place in which such Justices usually meet for the Despatch of public Business of such City, Town, District, or other Place, to show Cause why Possession of the said Premises should not be delivered up to such Landlord or Owner, or his Agent or Receiver as aforesaid; and if the said Tenant or Occupier shall not appear at the Time and Place appointed, or if such Tenant or Occupier shall appear and shall not show to the Satisfaction of such Justices reasonable Cause why Possession should not be given, and shall still neglect or refuse to deliver up Possession of the said Premises, or such Part of them as was in his actual Occupation at the Time

Time of the Service of such Summons, to the said Landlord or Owner, or his Agent or Receiver, it shall be lawful for such Justices or any Two or more of them, not interested as aforesaid, on Proof being made before them of the Holding or permissive Possessions, as the Case may be, and of its End or Determination, and the Time and Manner thereof, and where the Title of the Landlord shall have accrued since the letting of the Premises, the Right by which he claims the Possession, to issue a Warrant, under their Hands and Seals, to any Person as a special Bailiff in that Behalf, on the Part of the Landlord or Owner, requiring and authorizing him, within a Period to be therein named, and not less than Seven or more than Fourteen clear Days from the Date of such Warrant, to give the Possession of the said Premises to the said Landlord, or his Agent or Receiver, and such Warrant shall be a sufficient Authority to the said Bailiff to enter upon the said Premises, with such Assistants as he shall deem to be necessary, and to give Possession accordingly: Provided that no Entry shall be made under such Warrant on any *Sunday*, *Good Friday*, or *Christmas Day*, or at any Time except between the Hours of Nine in the Morning and Four in the Afternoon: Provided also, that nothing herein contained shall prejudice or affect the Right of any Owner of Property intrusted to the Care of any Servant or Caretaker peaceably to resume the Possession thereof without Process of Law, if he shall so think fit.

Service of the Summons.

LXXXVII. Such Summons as last aforesaid may be served either personally or by leaving the same with some Person being in occupation of such House or Part of a House or Tenement, and where the Tenant of such House or Part of a House or Tenement shall not reside therein, by serving the same personally or by leaving the same at the Place of Abode of the Tenant so holding over as aforesaid Four clear Days before the Day appointed for the Hearing of the Matter of the said Summons: Provided that if the Person so holding over cannot be found, and Admission into the Premises so overholden cannot be obtained, and the Place of Abode of such Person shall not be known, the posting of such Summons on some conspicuous Part of the Premises so holden over shall be deemed to be good Service of such Person.

Stay of Execution of Warrant on undertaking to give Possession in Fourteen Days.

LXXXVIII. If any Tenant so summoned to give up Possession shall appear before the said Justices and give an Undertaking (to be entered in Writing by the Clerk of the Court) quietly and peaceably to deliver up, within Fourteen Days from the Date thereof, the Possession of the Premises of which he is such Tenant or Occupier, in good Order and Repair to the Landlord, or his Agent or Receiver, and in the meantime to pay all Rent and Arrears claimed by such Landlord in respect of such Tenement, in such Case the said Justices shall

shall not issue their Warrant for giving up the Possession until after the Expiration of such Period of Fourteen Days; and if the said Tenant shall at the Expiration of such Period continue in possession otherwise than by Permission of the Landlord, or his Agent or Receiver, it shall be lawful for such Justices to issue their Warrant for giving Possession of the same forthwith, and such Warrant shall be executed accordingly, without further Notice to such Tenant.

Irregularity in the Proceeding not to make a Party a Trespasser.

LXXXIX. Where the Landlord applying for such Warrant has at the Time of the granting of it some lawful Right to the Possession of the Premises or of the Part so holden over, the said Landlord, or his Agent or Receiver, or other Person acting on his Behalf, shall not be deemed to be a Trespasser by reason merely of any Irregularity or Informality in the Mode of proceeding for obtaining Possession under the Authority of this Act, but the Party aggrieved may bring an Action for such Irregularity or Informality, in which the Damages alleged to be sustained shall be specially laid, and may, unless such Party shall have tendered sufficient Amends before the Commencement of such Action, recover therein full Satisfaction for such special Damage, with Costs of Suit; but in case such special Damage laid as aforesaid be not proved, the Defendant shall be entitled to a Verdict, and in case the said Plaintiff shall recover no greater Sum than Five Shillings for such special Damage, he shall be entitled to no greater Sum for Costs than the Amount of the Damages so recovered, unless the Judge before whom the Cause is tried shall certify on the Back of the Record that in his Opinion full Costs ought to be allowed.

General Provisions.

Costs may be awarded against One Defendant in Ejectment in Civil Bill Court.

XC. The Chairman, upon the Hearing of any Civil Bill Ejectment where there is more than One Defendant, may, upon pronouncing his Decree, order the Costs of such Proceedings to be paid by and recovered against any One or more of the Defendants by Name, and not against the other or others of them.

Taxation of Costs in Civil Bill Ejectment.

XCI. The Chairman shall in all Cases of Civil Bill Ejectment under this Act, upon Request of either Party or his Attorney, tax the Costs between Party and Party, and include the same in his Decree or Dismiss, and shall, at the like Request, tax the Costs between Attorney and Client; and no Costs shall be recovered in respect of any Proceedings in Ejectment in the Court of the Chairman, or preparatory thereto, unless the same shall have been taxed as aforesaid; and the said Chairman may examine upon Oath, which Oath he is hereby authorized to administer, any Attorney seeking to establish a Charge against his Client as to all Matters necessary to ascertain the Right to such Costs.

XCII. The

XCII. The Sheriff or Under-Sheriff of the County in which any Decree or Dismiss under this Act shall be pronounced shall (unless in Cases in which a special Bailiff shall have been appointed at the Instance of the Plaintiff) execute such Decree for Delivery of the Possession of any Lands or Premises within One Fortnight after the same shall be delivered to him, and shall be entitled to the Fee of One Guinea, and no more, in every Case in which he shall so execute the same.

Sheriff to execute Civil Bill Decree in Ejectment.

XCIII. The Sheriff shall, if required by the Plaintiff so to do, grant his Warrant to a special Bailiff nominated by the said Plaintiff to execute any Decree for the Possession of Lands or Premises in the like Manner as for the Execution of any other Civil Bill Decree, and such Sheriff shall be entitled to the Fee of Two Shillings and Sixpence, and no more, for granting such Warrant; and it shall be lawful for such special Bailiff to whom such Warrant shall be granted, with his Assistants, to execute the same by delivering the Possession of the Lands or Premises therein named to the Plaintiff or to any Person appointed by him in that Behalf.

Sheriff to appoint special Bailiff, if required.

XCIV. The Sheriff or his Officer or Bailiff may, with the Consent in Writing of the Plaintiff or his Attorney, execute any Writ of Habere facias possessionem or Civil Bill Decree for Possession in Ejectment, without removing from the Possession of the Lands or Premises any Under-tenant or Occupier who shall at the Time of such Execution sign with his Name or Mark an Attornment or Acknowledgment, in or substantially according to the Forms No. 6. or No. 7. in the Schedule (A.) to this Act annexed, attested by such Sheriff, Officer, or Bailiff, which Attornment or Acknowledgment shall be annexed to such Writ or Decree, and a Copy thereof given to the Plaintiff or his Attorney, and such Execution shall be as valid as if such Persons were not in occupation, or as if such Writ or Decree had been executed in common Form of Law.

Habere and Decree may be executed without disturbing Possession of Under-tenants

XCV. It shall be lawful for any Plaintiff who shall have executed any such Writ or Decree as aforesaid without disturbing the Possession of any Under-tenant or Occupier who shall have made such Acknowledgment in the Form No. 7. aforesaid, and shall not have attorned as Tenant in manner aforesaid, and for the Heirs, Executors, Administrators, or Assigns of such Plaintiff, at any Time within Six Calendar Months after such Execution of the Writ or Decree, on Application to the Chairman or Court from which such Writ or Decree shall have issued, to obtain a Renewal of the same, to be again executed at the Cost of such Plaintiff or his Representative or Assignee in common Form of Law, as to the whole or any Part of the

Renewal of the Writ after such partial Execution.

the said Lands, and such Renewal shall be without Prejudice to any Right or Interest vested in the said Party by virtue of the First Execution of the said Writ or Decree; Provided, however, that in case of an Ejectment for Nonpayment of Rent no such Renewal shall take place in case the Tenant's Interest in the Lease or other Contract of Tenancy shall have been redeemed in the meantime.

Fresh Execution of Writ on Justice's Certificate.

XCVI. In any Case in which any such Writ or Decree shall have been executed as last aforesaid, and any such former Tenant or Occupier shall, within the said Period of Six Months from the Date of such Execution, without lawful Authority, re-enter into or resume the Possession of the said Premises or any Part of them, upon an Application made to any Justice of the Peace of the County at Petty Sessions, and upon Proof made before him to his Satisfaction of the due Service of a Summons or Notice of such intended Application, and of the Facts of such Execution and unlawful Re-entry, upon Affidavit or on Oath (which Affidavit or Oath such Justice is hereby authorized to take or administer), it shall be lawful for such Justice and he is hereby required to certify in Writing under his Hand that in his Opinion in such Case a sufficient Cause had been shown for having the said Writ or Decree executed anew as to the Part or Parts of the Premises of which the Possession shall have been resumed as aforesaid, and upon the Production of such Certificate on the Part of the Plaintiff in such Action or Civil Bill, or his Heir, Executor, Administrator, or Assignee, the Writ or Decree shall be executed anew by the Sheriff or his special Bailiff as to the Part or Parts of which the Possession shall have been resumed as aforesaid.

Registry of Decree or Order for Ejectment.

XCVII. The Clerk of the Peace of the County in which any Civil Bill Decree shall be made under this Act shall, on the Application of any Person interested, and on Payment of a Fee of Two Shillings and Sixpence, enter in a Book to be kept in his Office for that Purpose a Memorandum of any Judgment or Decree in Ejectment or Order for Restitution which shall be made under this Act, and also of any summary Order for Delivery of the Possession of any Lands or Premises made by any Justice or Justices of the Peace under this Act, and of the Return of any Sheriff of the Execution of any Habere, Decree, or Order, which Entry shall specify the Names of the Plaintiff and Defendant, and of the Lands recovered, and the Nature and Date of the Decree or Order, and the Date of the Execution thereof.

Where Lands are situate in Two or more Counties, Proceedings

XCVIII. In case any Lands or Premises respecting which any Proceeding by way of Civil Bill shall be brought under this Act shall be situate partly in Two or more Counties, such Proceeding by way of Civil Bill may be brought in any or either of them, and the Sheriffs of the

the respective Counties in which any Part of such Lands or Premises shall be situate shall, so far as relates to the Portion of the Premises within their respective Jurisdictions, execute such Decree as may be made on Delivery to each of them of a Copy of such Decree, signed by the Chairman who shall have made the same: Provided that where any Lands shall be situate partly or wholly within a Place which is a County of a City or County of a Town of itself (except the County of the City of *Dublin*), the Assistant Barrister of the County at large and the Justices of the Peace of the said County at large shall have the same Jurisdiction and exercise the like Powers respecting such Premises as if the same had been situate in the County at large.

may be taken in either.

XCIX. In any Case in which the Chairman of the County shall happen to be the Landlord or Tenant, or claim to be entitled to the Possession of any Lands or Premises situate in any One or more than One County, and the same or any Part thereof shall be situate within his own Jurisdiction, and he or any other Person shall be desirous to institute Proceedings in respect of the said Lands or Premises under this Act on behalf of or against such Chairman, such Proceedings may be had in some adjacent County without the Jurisdiction of the said Chairman, or in the County in which the other Part of the Lands are situate; and the Chairman of such adjacent County shall have the like Jurisdiction therein as if the said Lands or the entire of them were situate in the said adjacent County, and an Appeal shall lie therefrom in the like Manner, and any Decree or Dismiss shall be executed by the Sheriff of the County in which the Lands are situate, as if it were a Decree of the Chairman of such County.

Where Chairman interested, Proceedings may be taken in an adjoining County.

C. No Action shall be brought or prosecuted against any Justice or other Person hereby authorized, by whom any Precept or Warrant shall be issued or Certificate shall be granted, nor against any Constable or Bailiff by whom such Precept or Warrant may be executed under and by virtue of this Act, by reason that the Person on whose Application the same shall be granted had not lawful Right to recover the Rent or the Possession of the Premises therein mentioned, or to prohibit the Act therein prohibited.

No Action against Justice for granting Warrant.

CI. The Title to any Lands or Premises shall not be drawn into question in any Proceeding by way of Civil Bill under this Act.

Title to Lands not to be drawn in question.

CII. No Civil Bill Proceeding under this Act shall be defeated by reason of any technical Objection whatsoever, or of any Mistake, Variance, or Omission which is not manifestly calculated to mislead and injuriously prejudice the opposite Party in the Merits of his Case.

Technical Errors not to defeat Proceedings.

Schedules to be Part of the Act.

CIII. The Schedules to this Act annexed shall be deemed and taken to be a Part of this Act, and the Forms therein contained, or any other Forms to the like Effect, may be used in the respective Cases to which they are applicable.

Repeal of Acts and Parts of Acts as in Sched. (B.)

CIV. From and after the Commencement of this Act, the several Acts and Parts of Acts set forth in the Schedule (B.) to this Act annexed, so far as the same refer to the Relation of Landlord and Tenant in *Ireland*, but not otherwise, and to the Extent to which such Acts or Parts of Acts are by such Schedule expressed to be repealed, and not further or otherwise, shall be and are hereby repealed, except so far as may be necessary to support or enforce any Lease made or Contract entered into, or as to anything heretofore done, or any Right acquired or Liability incurred, and except so far as any of the said Acts or Parts of Acts repeal any former Act or Part of an Act, and except so far as may be necessary for the Purpose of supporting and continuing any Proceeding heretofore taken or to be taken after the Commencement of this Act upon any Proceeding commenced before the Commencement of this Act, and except as to the Recovery and Application of any Penalty for any Offence which shall have been committed before the Commencement of this Act.

Commencement of Act.

CV. This Act shall come into operation on the First Day of *January* One thousand eight hundred and sixty-one.

SCHE-

SCHEDULES to which this Act refers.

SCHEDULE (A.)

No. 1.

FORM of PRECEPT to restrain Waste.

County of *M.* to wit. } To *C.D.* and *E.F.*, and all Persons whom it may concern.

WHEREAS Information on Oath has been this Day laid before me, being One of Her Majesty's Justices of the Peace for the County of *M.*, that you, *C.D.* and *E.F.*, being the Occupiers of [*or* acting under the Authority of and in collusion with one *M.N.*, being the Occupier of] a certain Dwelling House [*or* Farm of Lands] situated at *N.* in the Barony of *O.* and County of *M.* aforesaid, and held by you as [Tenant from Year to Year, *or otherwise, as* Tenant *or* Caretaker, *as the Case may be*,] to *A.B.*, do intend and are about to commit or suffer [*or* are in the Act of committing or suffering] certain unlawful Waste and Injury to the Premises by [*state the Nature of the Waste, Injury, Alteration, or Removal which is apprehended or actually being done*,] contrary to the Statute in that Case made and provided:

These are, therefore, to command and firmly enjoin you and each of you, and all other Persons whomsoever, not to proceed to [*state again the Waste, &c. apprehended or being done*], or to continue the same, or otherwise to injure the said Premises, or any Part of them, until special Leave, Licence, and Authority in Writing for that Purpose shall be first procured from and given by me the said Justice, or until the Matter of the said Information shall be first inquired into at the Petty Sessions of the Peace to be holden at on the Day of next, and this my Precept lawfully annulled or altered in that Behalf [*or* until the Day of next, *naming a particular Day, or* further Order].

And in case you shall disobey this my Precept, you and each of you, and all Persons wilfully aiding, abetting, or assisting you in so doing, will be punished in pursuance of the Statute in that Case made and provided.

And all Constables of Police, and others, are hereby required to prevent such Waste or Injury, and to apprehend and bring to Justice all

all Persons present and aiding or assisting in such unlawful Acts, to be dealt with according to Law.

Given under my Hand and Seal, this Day of in the Year 18 .

G.H.,
Justice of the Peace for the County of *M.*

No. 2.

FORM of CIVIL BILL EJECTMENT for Nonpayment of Rent where One Year's Rent due.

County of *M.*
Division of *N.*
A.B., Plaintiff,
C.D., *G.H.*, and *I.K.*, Defendants.

BY the Chairman at the Quarter Sessions of the Peace for the said Division of the said County.

WHEREAS the Defendant [*or* One of the Defendants] holds Part of the Lands of *L.* in the Parish of *H.* and Barony of *R.*, and in the Division of *N.* aforesaid, as Tenant thereof to the Plaintiff, under a Lease [*or* Contract of Tenancy] for a Term unexpired, [*or* as Tenant from Year to Year, *as the Case may be*,] at the yearly Rent of £ :

And whereas the Sum of £ of the said Rent, being One full Year's Rent, due and ending on the Day of last, became and still is due to the said Plaintiff in respect of the Premises:

[And whereas the Defendants *G. H.* and *I. K.* respectively are in actual Possession of the Premises as Under-tenants thereof:]

The Defendants, therefore, and all Persons claiming any Interest in the said Premises, are hereby required to appear before the said Chairman at *B.*, in the Division of *N.* aforesaid in the said County, on the Day of next, at a Quarter Sessions to be holden for the said Division of the said County, to answer the Plaintiff's Bill for Recovery of the Possession of the Premises by reason of the Matters aforesaid, or in default thereof the said Chairman will proceed as to Justice shall appertain.

Dated this Day of in the Year 18 .

Signed on behalf of the Plaintiff,
E. F., Attorney.

To the Defendants. [*Residence of Attorney.*]

No. 3.

No. 3.

FORM of CIVIL BILL EJECTMENT for overholding.

County of *M.*
Division of *N.*
A.B., Plaintiff,
C.D. and *E.F.*, Defendants.

BY the Chairman at the Quarter Sessions of the Peace for the said Division of the said County.

WHEREAS *C.D.*, One of the Defendants, lately held Part of the Lands of *L.* in the Parish of *H.* and Barony of *R.*, and in the Division of *N.* aforesaid in the said County, as Tenant to the Plaintiff, under a Lease [*or* Contract of Tenancy] made thereof for the Term of [*or* from Year to Year], at the yearly Rent of £ , which Demise determined on the Day of last:

And whereas the said Plaintiff [*or L.M.*, the Agent or Receiver of the Plaintiff,] after the Determination of the said Tenancy, and on the Day of last past, demanded Possession of the said Premises and a Delivery of the said Possession to him [as such Agent or Receiver of the Plaintiff], and the said Possession and Delivery have been withheld, and the several Defendants are in the actual Possession of the Premises, and no other Person is in possession of any Part thereof as Tenant or Under-tenant:

The Defendants, therefore, and all Persons claiming to have any Interest in the said Premises, are hereby required to appear before the said Chairman at *B.* in the said Division of *N.* in the said County, on the Day of next, at a Quarter Sessions to be holden for the said Division of the said County, to answer the Plaintiff's Bill for Recovery of the Possession of the Premises by reason of the Matters aforesaid, or in default thereof the said Chairman will proceed as to Justice shall appertain.

Dated this Day of , in the Year 18 .

Signed on behalf of the Plaintiff,

E.F., Attorney.

To the Defendants. [*Residence of Attorney.*]

No. 4.

FORM of CIVIL BILL EJECTMENT for deserted Tenements.

County of *M.*
Division of *N.*
A. B., Plaintiff,
C. D., Defendant.

BY the Chairman at the Quarter Sessions of the Peace for the said Division of the said County.

WHEREAS the Defendant holds Part of the Lands of *L.* in the Parish of *H.* and Barony of *R.*, and in the Division of *N.* aforesaid, as Tenant to the Plaintiff, under a Lease [*or* Contract of Tenancy] thereof for a Term still subsisting [*or* from Year to Year], at the yearly Rent of £ : And whereas the Sum of £ of the Rent aforesaid,

aforesaid, ending on the Day of last became and still is due to the Plaintiff, after all just and fair Allowances:

And whereas the Defendant on the Day of 18 . deserted and abandoned the Premises, leaving them unoccupied [*or* leaving the Lands, or the greater Portion of them, to remain uncultivated or unemployed, contrary to the Course of Husbandry, and without sufficient Distress to be found therein, *or* carrying away the Stock or Crop thereof]:

The Defendant is therefore hereby required to appear before the Chairman at in the Division aforesaid in the said County, on the Day of next, at a Quarter Sessions to be holden for the said Division of the said County, to answer the Plaintiff's Bill for the Recovery of Possession of the Premises by reason of the Matters aforesaid, or in default thereof the said Chairman will proceed as to Justice shall appertain.

Dated this Day of in the Year 18

Signed on behalf of the Plaintiff,

E. F., Attorney.

To the Defendant. [*Residence of Attorney.*]

No. 5.

FORM of MAGISTRATE'S CERTIFICATE of DESERTION.

County of *M.* to wit. } WE *A.B.* and *C.D.*, Two of Her Majesty's Justices of the Peace for the said County of *M.*, having been called upon by *G.H.*, and at his Request having together gone to and viewed that Part of the Lands of *L.* situate and being in the Parish of *H.* and Barony of *R.* and County of *M.*, late in the Possession of *I.K.*, as Tenant thereof, containing Acres Roods and Perches, or thereabouts, on the Day of between the Hours of Ten o'Clock in the Forenoon and Four o'Clock in the Afternoon of the said Day, do certify, That the Premises aforesaid then appeared to us to be deserted and abandoned by the said *I.K.*, the said Lands, or the greater Portion of them, being left uncultivated or unemployed, contrary to the Course of good Husbandry, and without sufficient Distress to be found therein [*or, if the Case be so,* the Stock and Crop thereof having been carried off, *or, in case the Premises consist chiefly of a Dwelling House, say,* the Dwelling House being left unoccupied].

Given under our Hands and Seals, this Day of in the Year 18 .

A.B. (*Seal.*)
C.D. (*Seal.*)

To the Assistant Barrister for the County of *M.*

Witness present,
X.Y.

No. 6.

No. 6.

FORM of ATTORNMENT by Under-tenants or Occupiers of Lands recovered in Ejectment, upon the Execution of a Writ or Civil Bill Decree for delivering Possession where the Under-tenants attorn as Tenants to the Plaintiff.

WHEREAS *A. B.* of . hath lately recovered Judgment in Ejectment [*or* obtained a Civil Bill Decree] for the Lands and Tenements in the Tenancy or Occupation of the Persons under-named respectively: Now we whose Names are hereunder subscribed, upon the Execution of the Writ of Possession [*or* Decree, *if by Civil Bill*] in the said Cause, according to the Statute in that Behalf, with the Assent of the said *A.B.* [*or* the Attorney for the Plaintiff] in the said Cause, testified by the said Attorney for the Plaintiff signing these Presents, do hereby severally and respectively attorn and become Tenants to the said *A.B.* of the several Farms, Lands, and Tenements situate at the several Places, and for the Terms and commencing at the Times mentioned and set opposite to our respective Names in the Schedule hereunder written, and do hereby severally agree to pay such respective Rents for the same, and from such several Periods or Times as in the said Schedule expressed; and we have severally given unto the said *A.B.*, or his Agent, the Sum of *One Penny*, in the Name of Attornment and in Part of the said Rents. [* Provided always, that if the said Lands and Tenements shall in due Course of Law be redeemed in pursuance of the Statutes in such Case made and provided, these Presents shall thenceforth be void.]

As witness our Hands, this Day of 18

Tenants Names.	Farm or Tenement.	Yearly Rent, *or as the Case may be.*	When due.	Term of the Holding, *as the Case may be.*	Commencement of the Term.
		£ s. d.			
C.D.	..	5 0 0	May 1 and November 1.	One Year	1 November *or* 29 September [*or such Day as may be agreed on*].
E.F.	.	..	March 25 and September 29.		
G.H.	..	1 per Acre	May 1 and November 1.		

Attorney for the Plaintiff.

Witness, Sheriff

or

Sheriff's Officer.

* This Proviso to be added where the Ejectment or Civil Bill Ejectment shall have been for Nonpayment of Rent.

No. 7.

No. 7.

FORM of ACKNOWLEDGMENT by Occupiers of Lands recovered in Ejectment upon the Execution of a Writ or Civil Bill Decree for Delivery of Possession, where the Parties do not agree to an Attornment as Tenants.

WE, whose Names are hereunder subscribed, upon the Execution of the Writ of Possession [*or* Decree] in this Cause, with the Assent of the said *A.B.* [*or* the Attorney for the Plaintiff] in the said Cause, testified by the said Attorney signing these Presents, hereby acknowledge that we respectively occupy the Lands by the Licence and at the Will of the said *A.B.* and that we will severally and respectively, when required by the said *A.B.* or his authorized Agent or Receiver, deliver up to the said *A.B.* or his authorized Agent or Receiver, the Possession of the said Lands and Premises in our respective Occupation as set opposite to our respective Names in the Schedule hereunder written. [*Provided always, that if the said Lands and Premises shall in due Course of Law be redeemed in pursuance of the Statutes in such Case made and provided, these Presents shall thenceforth be void.]

As witness our Hands, this Day of

Occupiers Names.	Farm or Lands.
C.D.	Blackacre.
E.F.	Whiteacre.
G.H.	House and Garden in Whiteacre.

Attorney for the Plaintiff.

Witness, Sheriff

or

Sheriff's Officer.

This Proviso to be added where the Ejectment or Civil Bill Ejectment shall have been for Nonpayment of Rent.

SCHE-

SCHEDULE (B.)

ACTS and PARTS of ACTS REPEALED, so far as the same relate to the Relation of Landlord and Tenant in Ireland, and as by the foregoing Act is declared.

Date of Act.	Title of Act.	Extent of Repeal.
	ACTS of the PARLIAMENT of IRELAND.	
15 Edw. 4. Cap. 1.	An Act prohibiting Distresses to be taken contrary to the Common Law.	The entire Act.
18 Edw. 4. Cap. 1.	An Act whereby Distresses taken for Rent may be sold.	The entire Act.
33 Hen. 8. s. 1. Cap. 7.	An Act for all Lords to distraine upon the Lands of them holden, and to make their Avowrie, not naming the Tenant but the Land.	The entire Act.
33 Hen. 8. s. 1. Cap. 13.	An Act for Attournements - - -	The entire Act so far as it relates to Distress for Rent.
10 Car. 1. s. 2. Cap. 4.	An Act concerning Grantees of Reversions to take advantage of Breaches of Condition, &c.	The entire Act.
10 Car. 1. s. 2. Cap. 5.	An Act for Recovery of Arrears of Rents by Executors of Tenant in Fee Simple.	The entire Act.
10 & 11 Car. 1. Cap. 7.	An Act of Explanation of a Statute made in this Realm in the Eighteenth Year of the Reign of the late King Edward the Fourth, intituled "An Act whereby Distresses taken "for Rent may be sold."	The entire Act.
7 Wm. 3. Cap. 12.	An Act for Prevention of Frauds and Perjuries.	Sec. 1.
11 Anne, Cap. 2.	An Act for the more effectual preventing of Frauds committed by Tenants.	The entire Act, except Sec. 7; Sec. 8 being already repealed.
4 Geo. 1. Cap. 5.	An Act to explain and amend an Act, intituled "An Act for the more effectual preventing "of Frauds committed by Tenants."	The entire Act except Sec. 1.
3 Geo. 1. Cap. 2.	An Act for amending an Act, intituled "An "Act to explain and amend an Act intituled "'An Act for the more effectual preventing "'of Frauds committed by Tenants.'"	The entire Act except Secs. 8, 9, 10.
10 Geo. 1. Cap. 5.	An Act for the further Encouragement of finding and working Mines and Minerals within this Kingdom.	Secs. 4, 5, 6, and 7.

Date of Act.	Title of Act.	Extent of Repeal.
5 Geo. 2. Cap. 4.	An Act for the further explaining and amending the several Laws for preventing Frauds committed by Tenants, and for the more easy Renewal of Leases, and for the further Amendment of the Law in certain Cases therein mentioned.	Secs. 1, 2, 3, and 4.
11 Geo. 2. Cap. 5.	An Act to explain and amend an Act intituled "An Act for preventing Inconveniences that "may happen by Privilege of Parliament."	Sec. 3.
51 Geo. 2. Cap. 8.	An Act for the more effectual securing the Payment of Rents, and preventing Frauds by Tenants.	Section 9.
17 Geo. 2. Cap. 10.	An Act to prevent the pernicious Practice of burning Land, and for the more effectual destroying of Vermin.	The
25 Geo. 2. Cap. 13.	An Act for explaining, amending, and making more effectual the Laws relating to Landlord and Tenant.	Secs. 1, 2, and
3. Cap. 17.	An Act for reviving, continuing, and amending several temporary Statutes, and for other Purposes therein mentioned.	Secs. 2, 3, 4, and 5.
3 Geo. 3. Cap. 29.	An Act for the more effectual preventing the pernicious Practice of burning Land.	The entire Act.
5 Geo. 3. Cap. 10.	An Act for the more effectually carrying into execution the Laws heretofore made to prevent the pernicious Practice of burning Land.	The entire Act.
15 & 16 Geo. 3. Cap. 27.	An Act to amend the several Acts of Parliament made in this Kingdom for the more effectual preventing of Frauds by Tenants.	The entire Act.
23 & 24 Geo. 3. Cap. 46.	An Act for the Apportionment and more easy Recovery of Rents in certain Cases.	The entire Act.
31 Geo. 3. Cap. 40.	An Act for the Preservation of Shrubs and Trees.	The entire Act.
40 Geo. 3. Cap. 24.	An Act for more effectually preventing the burning of Land.	The entire Act.
	STATUTES of the PARLIAMENT of the UNITED KINGDOM of GREAT BRITAIN AND IRELAND.	
46 Geo. 3. Cap. 71.	An Act to amend several Acts for the Encouragement of finding and working Mines and Minerals within Ireland.	Secs. 2 and 3.
54 Geo. 3. Cap. 115.	An Act to amend an Act of the Parliament of Ireland for preventing the pernicious Practice of burning Land, and for the more effectual destroying of Vermin.	The entire Act.

Landlord and Tenant (Ireland).

Date of Act.	Title of Act.	Extent of Repeal.
56 Geo. 3. Cap. 88.	An Act to amend the Law of Ireland respecting the Recovery of Tenements from absconding, overholding, and defaulting Tenants, and for the Protection of the Tenant from undue Distress.	Sec. 14, being the Residue of the Act unrepealed.
1 Geo. 4. Cap. 41.	An Act to extend the Benefit of Two Acts made in the Fifty-sixth and Fifty-eighth Years of the Reign of His late Majesty King George the Third, for amending the Law of Ireland respecting the Recovery of Tenements from absconding, overholding, and defaulting Tenants.	Sec. 2.
1 Geo. 4. Cap. 87.	An Act for enabling Landlords more speedily to recover Possession of Lands and Tenements unlawfully held over by Tenants.	The entire Act, as regards Ireland.
ap. 89.	An Act to limit and regulate the Expense of certain Proceedings in the Courts of Justice in Ireland in the Particulars therein mentioned.	Sec. 1.
eo. 4. Cap. 29.	An Act to amend the Law of Ireland respecting the Assignment and sub-letting of Lands and Tenements.	The entire Act, except as to Leases, Instruments, and greements for Leases made between the 1st Day of June 1826 and the 1st Day of May 1832.
7 & 8 Geo. 4. Cap. 67.	An Act for the better Administration of Justice at the holding of Petty Sessions by Justices of the Peace in Ireland.	Sec. 17.
9 Geo. 4. Cap. 56.	An Act for consolidating and amending the Laws in Ireland relative to malicious Injuries to Property.	Secs. 25, 26, 27, 28, and 29.
2 Wm. 4. Cap. 17.	An Act to repeal an Act passed in the Seventh Year of His late Majesty King George the Fourth, intituled "An Act to amend the "Law of Ireland respecting the Assignment "and sub-letting of Lands and Tenements," and to substitute other Provisions instead thereof.	The entire Act, except Section 1.
4 & 5 Wm. 4. Cap. 22.	An Act to amend an Act of the Eleventh Year of King George the Second, respecting the Apportionment of Rents, Annuities, and other periodical Payments.	Secs. 2 and 3.
8 & 9 Vict. Cap. 106.	An Act to amend the Law of Real Property -	Sec. 3, save so far as same relates to Feoffments, Partitions, and Exchanges.
9 & 10 Vict. Cap. 111.	An Act to amend the Law in Ireland as to Ejectments and Distresses, and as to the Occupation of Lands.	Secs. 1, 2, 3, 4, 5, 6, 7, 8, and 9.
14 & 15 Vict. Cap. 25.	An Act to improve the Law of Landlord and Tenant in relation to Emblements and growing Crops seized in Execution.	Sec. 1, so far as regards Ireland.

Landlord and Tenant (Ireland).

Date of Act.	Title of Act.	Extent of Repeal.
14 & 15 Vict. Cap. 57.	An Act to consolidate and amend the Laws relating to Civil Bill and other Courts of Quarter Sessions in Ireland, and to transfer to the Assistant Barrister certain Jurisdiction as to Insolvent Debtors.	Secs. 71, 72, 73, 74, 75, 76, 77, 78, 80, 81, 83, 84, 85, 86, 87, 88, 92, 93, 94, 95, and 96, so far as they relate to Proceedings between Landlord and Tenant, and to Persons in occupation who shall have signed Acknowledgments pursuant to the Act.

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